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ABSTRACT

A kit for parents and citizens' action groups who want to check up on Title IX progress in their local schools and to press for needed changes, gives information about the laws, detailed guidelines for finding the necessary information, strategies for change, and an annotated bibliography. Step-by-step instructions of how to review schools are followed by review guides that suggest questions to help find out what is happening in each area of school practices and programs where discrimination is likely to occur. Each guide contains a perspective that provides some background on the topic area; highlights on key discriminatory practices in each area; and review points with questions to be asked, where to ask them, and how to interpret some of the answers received. A Title IX primer shows the exact wording of the Final Regulation for Title IX. The regulation has the force of law and incorporates all the provisions of Title IX along with official interpretations of those provisions. Immediately following the regulation is the original language of Title IX. Aligned on the right side of the pages is an expansion and explanation of the legal language of the regulation. (Author/MLF)

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Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias In Your Schools

PEER, a project of the NOW Legal Defense and Education Fund, is supported by the Ford Foundation, the Carnegie Corporation and the Rockefeller Family Fund to monitor enforcement progress under federal law forbidding sex discrimination in education and to assist groups working for sex fair education in their local schools.

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About PEER's Guide to Ending Sex Bias In Your Schools...

In a Perfect World

All children, little girls as well as little boys, would be treated equally, fair and square, when they went off to school.

In an Almost Perfect World

The federal government would pass a law guaranteeing that everybody — students, people working in the cafeteria, bus drivers, teachers and principals, would be treated equally in the nation's schools, whether they are male or female.

In the Real World

We have that law. It's Title IX of the Education Amendments of 1972, generally known as Title IX. But, what the law calls for... and what's really happening in thousands of elementary and high schools... is not all the same. In many instances the old patterns of "second best for girls" are still there.

A girl's chance of getting a fair share of the sports program is still pretty low — just because she's a girl. In vocational education most young women are still being channeled into the low-paying, dead-end jobs.

Why This Guide?

To make Title IX really work, to make sure that the promise of equal opportunity in education becomes a reality, people need to take a good look at their own local schools. They need to find out if what **should** be happening, **is** happening.

PEER prepared this Guide to help in that task. The Guide explains the law, it tells what to look at, what questions to ask and who to ask. It suggests ways to work for constructive change.

To see how the pieces fit together, start with the first section, then go on to read the second, third and fourth. And then... begin the work that can mean a new day in education.

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The people responsible for producing this Guide are:

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Cinderella, the Bonsai Tree and You

Americans care about their families. Our children are important to us.

We want our children to have a decent life and grow to be independent and responsible adults who will be able to provide both financial and emotional support for families of their own even after we are gone.

To accomplish this goal, we encourage and aid our children to secure the training and education which will enable them to get and hold a good job with a future to it. We hope our children will strive to move as far up the career ladder as ability will allow.

We do what we can to ensure that our children will aim high and dream the American dream of being all they can be — gaining respect, prestige, and honor along the way. Perhaps we may even dream that our children will have an opportunity to serve their community or their nation in a position of responsibility and influence.

And yet... if you read the above paragraphs again, and use the word daughter in place of children, you may find the words sound a little unusual. Try it — replace "children" with "daughters."

It is not, of course, that we do not dream and hope for our daughter's future. It is that generally we have not expected her lifelong security to depend on her own career efforts and achievements but, rather, on the efforts and achievements of the man she marries. For our daughters the dream has not been the American dream of personal achievement, but the dream of Cinderella and her prince.

Still, what's wrong with that? What's wrong with expecting a girl to grow up to be happily married, taking care of happy, healthy children and depending on her husband for her financial needs?

What's wrong is that although the beginning of the fairy tale is grounded in reality — most girls do grow up to marry and have children — a fairy tale ending is now dangerously unreliable as a life plan for your daughter. We now know that the odds are very high that no matter from what economic station, no matter from what group, no matter from what section of the country, Cinderella-grown-to-womanhood is likely to be divorced, likely to be in a dead end, low-paying job, and likely to be poor in her old age.

Statistics tell us that:

- 57 percent of all American women between the ages of 18 and 64 are in the workforce.
- Even if she marries, a woman can expect to work outside the home for 25 years — 45 years if she remains single.
- The divorce rate is up 127 percent since 1960, but only one out of five divorced mothers receive any child support payments.
- Two-thirds of the old people who are poor are women.

Surely it it time for us to consider what these trends mean — not as impersonal statistics but as probabilities for our children's future that must be considered as we help them prepare for adult life.

Traditional Roles

In the past, sharply defined sex roles may have seemed the only sensible way to educate our daughters and our sons for a life in which the division of family roles was clear. For example, girls have been expected and encouraged — especially as they pass beyond the early childhood years — to give up tomboy behavior, active competition with boys, or clear-cut leadership of boys. They have been expected to adopt more restrained behavior and a mild demeanor. Words such as winsome, pleasing, unassuming — applied to a young girl — have been words of approval. Girls have been expected to conform to the traditional standards of "feminine" behavior: dependent, noncompetitive with males and accepting of a secondary role.

We now know that such rigid expectations can limit our daughters in almost the same way a bonsai tree is limited and prevented from growing as high and as wide as its original root — its potential — would have allowed. The bonsai tree is pretty and decorative, but it does not develop fully and it is unlikely to survive on its own.

Performance in School

Just what is the connection between "feminine" behavior patterns and the issue of survival? One kind of survival — economic survival, how well a woman can support herself — will be influenced by her schooling, how well she does in school and how far she goes in school. And here there seems to be quite a connection. Consider the following.

A research study conducted over several decades on gifted children has shown that the girls and boys whose I.Q. rose during elementary school were the boys **and** girls who were **independent, aggressive, and dominant in interaction with other children.** The children whose I.Q. fell were passive and shy and dependent. It doesn't take a great deal of study to figure out which list of adjectives would make most people uncomfortable if used to describe a girl — yet those are the descriptors of girls (and boys) with rising I.Q.'s.[1]

In nationwide academic tests conducted during 1975, girls and boys did equally well until about age nine. By age 13 girls in general were doing less well than boys in math and science. This downward trend continued through the late teen years and into adulthood.[2]

Does it matter if girls do well in math and science? If girls are to have an equal chance at well paid, challenging jobs in expanding technological fields such as engineering, chemistry or systems analysis — which require a background in math — it matters a great deal. For example, advanced math in high school is required in order to enter 15 out of 20 major fields of study at the University of California at Berkeley. In one freshman class, 92 percent of the women were prevented from entering three-quarters of the possible majors because of an inadequate background in math.[3]

Yet, math and science have traditionally been thought of as "boys'" subjects in which neither teachers, nor counselors, nor parents expected girls to be high achievers. Indeed, there are findings which indicate that parents notice the early interest of their sons in science and encourage that interest with toys, books and games. Very few parents noticed when their daughters showed an interest in mathematics or science at an early age.[4]

Girls Need Confidence, Too

Neither schools nor parents have done enough to reinforce independent, self-confident behavior in girls. Especially in physical education and athletics, the schools have offered boys far more opportunities to develop their skills and a sense of their own competence, to engage in competition and know they can handle it. School athletics have traditionally offered boys opportunities to grow in self-discipline, teamwork and leadership. We have not systematically ensured the same opportunities for our daughters. Perhaps it is time we did. A researcher on the longitudinal study of gifted children referred to earlier said that the simplest predictor of whether or not a girl would fulfill the promise of her early years was whether or not she had been "a tomboy at some point in her childhood."

It makes good common sense when you think about it. The right to test yourself, to meet a challenge, to know that you can survive and win are important learnings for later life. We routinely provide these opportunities for our sons. Our daughters deserve the chance to grow, too.

Often parents have been frightened away from insisting on strong sports programs for their daughters with suggestions of musclebound, "masculinized" girls. Yet, if systematic and intensive exercise were "masculinizing," no parent would provide ballet lessons for their daughters. Ballet requires the development of incredibly strong and well-developed muscles in order to sustain the dance. Yet hardly anyone would suggest that ballerinas were "masculine."

The girls themselves are giving us a message about physical activity if we will but listen. Over the years the President's Council on Physical Fitness has given more awards for excellence to girls (1,261,942) than to boys (917,944). Yet the girls' performance levels off somewhere around 14 years of age **unless** special emphasis is given to their physical activities. When they get support, girls' performance level continues to rise.[5] It is not, it seems, that teenage girls are not interested in athletics, it is that we need to tell them that it is "all right" to like athletics — just as we have told our sons. When girls know that, they move right ahead.

When we don't deliberately limit the bonsai tree, it grows.

The School's Influence

These traditional notions about girls — what sort of studies they'll pursue, how assertive they should be, how much athletics they need — have colored the thinking of all of us: children, parents, teachers, counselors and principals. As with the research on parents and their attitudes on mathematics ability, other research has shown that teachers and counselors often treat girls in stereotyped ways. Caught in their own traditional stereotypes, possibly unaware of new research on sex bias, educators often perpetuate discrimination — not with malice, but simply because that is the way it has "always" been done.

Even boys appear to be reinforced in discriminatory attitudes through their school experience. Increasingly, research shows that boys at every age are less favorable than girls of the same age to concepts granting women greater participation in the social, economic and political life of the world; less willing to let women into prestigious occupations; and less willing to participate in the sharing of tasks required to keep a household going while both adults pursue careers.[6]

We have seen some of the ways sex role stereotypes limit our daughters' in school performance, in developing leadership skills, in pursuing the full achievement of their potential. Other stereotypes also limit our sons' development of their full human potential — from "boys don't cry" to "boys have to be strong."

Boys are trapped in their own stereotypes which require that only certain kinds of jobs can be considered, that emotions must be denied, that assertiveness and independence must be maintained at all costs and in all circumstances. Boys, too, are blocked from using their full potential to be all they can be.

If you wonder about sex bias in your school, it is only reasonable that you should. It is as important that your children receive an education free of sex bias as it is that they learn to read effectively. Failure in either area will affect them all the days of their lives.

A Law That Can Help

In Title IX of the Education Amendments of 1972, you now have a tool to encourage your school to

provide girls and boys with the broadest possible educational opportunities free of sex discrimination.

Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance....

Using the guides and resources provided in this packet, citizens can review the progress their schools have made in complying with the Title IX mandate to provide a sex fair education. When you review the activities and policies of your school, you are not being a busybody, but a responsible and concerned parent and citizen.

An Overview

By acting on your concern that girls and boys receive an education free of sex bias, you may be undertaking the most important effort you can make on their behalf.

Our children **are** important to us. Usually there is at least one realm — sometimes there are many — in which we are anxious to offer our children better opportunities than we had. We want them to have more options — more choices — than we did.

And choice is what Cinderella and the bonsai tree is all about. By offering our children other models, besides Cinderella and the Prince, we are telling them they do not have to accept ready-made goals for their lives. We are telling them they do not have to accept someone else's definition of the kind of people they want to be, or the kind of life they want to lead.

We are saying we do not want them to be decorative bonsai trees or shop window mannequins or wedding cake decorations. We are telling them — girls and boys — that we want them to seek and develop whatever human potential they find in themselves.

We are saying: Be all you can be.

That is a message worth sending. And that is a goal worth some very hard work.

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2

How to Review Your Schools: Step by Step

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Having talked about Cinderella and the bonsai tree, it is time to talk about YOU.

You may have opened this kit already convinced of your personal stake in removing sex bias from education. Or the introductory material may have sharpened your personal awareness of sex discrimination and what it means for our children.

Where do you fit in? Why is it important to find out what is happening in your schools? Why is it your job?

Because the schools are not someone else's schools. They are public institutions. They are your schools.

Federal law now prohibits sex discrimination in schools. Title IX sets standards which the schools must follow. And Title IX, like all laws in a free society, needs citizen support and citizen help to be effective. Your concern — and your help — are essential.

How do you fit in? How is it done?

This kit will show you. It will give you information about the laws, detailed guidelines for finding the information you need, and strategies for using the information once you find it. First, an overview — of materials, methods and helpful hints.

Your Rights

When you start reviewing your school, you have every reason to be comfortable in your role. You are not a busybody; you are a citizen seeking compliance with a Federal law which was passed by both houses of Congress and signed by the president of the United States. You are a taxpayer who has a right to expect that your tax dollars will not be used to discriminate against children because they are girls or boys. You may be a parent of a child in the school system.

You have a right to know if your school district or school is carrying out its responsibilities under the law. You have a right to insist that it be done.

The Review Guides

This kit contains review guides that suggest questions to help you find out what is happening in each area of school practices and programs where discrimination is likely to occur. Each guide contains:

A Perspective which provides some background on the topic area.

Highlights on key discriminatory practices in each area.

Review Points with questions to be asked, where to ask them and how to interpret some of the answers you will hear.

The guides are designed to give you substantial informational support to help you get started on your review. There are 16,000 school districts in this country and

each one is different. Because of that reality, the guides cannot, and do not, pretend to raise every possible question and suggest every possible source of information. The key questions the guides do suggest will uncover trails of information which can lead you to insight on the problems which are very specific to your schools.

How to Begin

READ THROUGH THE KIT

Whether you begin the review as an individual or as part of a group, it is probably a good idea to read through all the material in the kit first — the Title IX Primer, the guides, suggestions for finding help and suggestions for using your information. This will enable you to see the overall direction of this material, and will provide general background and insight on educational sex discrimination. Having an overall view will help in your review of each specific area.

TUNE UP YOUR AWARENESS

Remember, as you read, that in the long run the differences between glaring and subtle discriminations are more apparent than real. Both are damaging.

The glaring discriminations against girls, such as exclusion from courses of study or disparities in allocation of athletic funds, will be easily identified and understood once you start looking.

On the other hand, the subtly discriminatory words, attitudes and non-verbal messages of teachers, coaches, counselors and administrators — in the day-to-day activities of the classroom, the gym, the guidance office or the planning office — may require a sensitive ear and eye to recognize, document and explain. Nonetheless, the cumulative effect of these constant, everyday subtle interactions may be the most powerfully negative school influence on the long-range attitudes, aspirations and achievements of both girls and boys.

CONSIDER YOUR INTERESTS

After reading the guides and doing some thinking, you may have some hunches about where the worst discrimination is taking place. That may be where you want to begin seeking out the facts. If you have already developed some familiarity with a particular school program, you may want to start there. If you prefer to start with overall information on district or school policy and budget, then begin there to start the ripples of change.

Your review plan rests with you. Do what **you** can. If there are two people working on this, you have probably quadrupled your capability. If you find, in a little while, that you have a small group, the sky — or the system — could be your limit.

Above all, whether your review plan involves a single educational program, an individual school, or the entire school system — start with a topic that interest YOU. Enthusiasm is communicable.

Some Basic, Garden-Variety Hints

Often you "know" or suspect that something is wrong but the bits and pieces of information are neither organized nor supported in a way that makes clear to others that you are not making anything up.

TAKE NOTES...

* Buy a small notebook and use it for telephone calls, material you review, interviews, observations. Keep track with a date, place and name for every entry. That way you can review your facts, document your impressions, compare notes with others and pass on information for others to follow up.

Sometimes notes may be as important for what you didn't find out as for what you did. For example, if you have persistent trouble finding certain kinds of information or documents, it may be important for you to have a record of your efforts, with names and dates, if you decide to find out why that information is so hard to get.

...REWRITE THE NOTES IMMEDIATELY

Remember that what you have had to scribble down in a hurry, although of absolute clarity at the moment, will soon become unintelligible, probably within 24 hours. Much good information will be saved if you take the time to copy your rough jottings as soon as possible, while you still know what they mean.

THE RUN-AROUND

It is possible that the school system will not make information easily available to you. Instead of sending you the documents you request, they may tell you to go in and

search the records yourself. School personnel may claim they can give you no information until they clear it with four other people. School officials, in short, may give you the run-around.

None of this is insurmountable. Probably they just hope you will go away. Don't. Be persistent. Recognize the behavior for what it is—a compliment. Did you realize you had the power, through simple questions, to threaten as large an institution as the school system?

THE HELPFUL INSIDER

Here and there in the school system you will find people who know what you are talking about and who care. They may be teachers or secretaries or counselors or other members of the school staff. In many instances they can make connections for you, suggest where to look for information and where there are institutional bottlenecks to avoid.

These are people to cherish and respect and not weary. Arrange to speak with them when it is convenient for them. If you are told something in confidence, keep it in confidence. Remember that the school system is their job. While they may be willing to help you, their primary job is not the same as yours.

THE TITLE IX COORDINATOR

The Title IX Regulation requires that each school system appoint at least one employee to be responsible for coordinating all efforts to comply with Title IX. There may be just one coordinator for the school district, or large schools may have their own. By now, all students and employees should have been told how to contact their Title IX coordinator.

That coordinator may be a helpful insider. Or may not. Some coordinators were appointed because of their concern about educational sex discrimination and some were appointed for reasons which are not yet clear. The Title IX coordinator is not necessarily a full-time job. It may be the job to be done after everything else is attended to, or it may be the person's number one priority.

Your coordinator may be a facilitator or a bottleneck. You should certainly meet with the designated person early in your review and eventually decide for yourself how to evaluate the information and advice you receive.

THE SELF EVALUATION

All school districts were required to conduct a "self evaluation" to determine whether they were in compliance with Title IX. If they were not, they were to take steps to get in compliance right away. Unfortunately, reports across the country seem to indicate that many schools did not do an evaluation, and of those who did, many did not dig very deep for the facts.

If your school district has not yet done a "self evaluation" urge them to get started. The law requires it. The enclosed Resources Section lists, on page five, how-to information for conducting a self evaluation.

If your school district has a "self evaluation" report, ask for it and read it. Then put it aside for a while and concentrate on documenting what you yourself see happening in the schools. Later on in your review, you may want to compare your own observations with the statements in the reports.

Do not take the statements in a "self evaluation" for granted, and do not use it as a starting point for your review. It may take you up garden paths that are unimportant, while effectively ignoring major highways of discrimination.

The Minority Student

Nowadays, schools are required to keep track of the numbers of minority students enrolled in the school system. As you read official school documents and talk to school personnel, be sure that you further divide any numbers given you concerning minority students into minority girls and minority boys. If you don't ask for and get this breakout by sex, as well as by race, you might lose sight of the fact that sex discrimination against girls of minority groups may be occurring even when the numbers of minority students in a program or activity appears to be increasing.

For example, a vocational school, pleased with the integration of minority students into its programs, may be continuing to discriminate on the basis of sex against the girls of minority groups as well as all other girls. An athletic program which in the past few years has integrated minority boys into its team sports may still provide little or nothing for any of its girl students whether they belong to minority or non-minority groups.

Title VI of the Civil Rights Act of 1964 is a necessary protection against discrimination on the basis of race or national origin, but it offers no protection to the girls and women of minority groups who may be further discriminated against on the basis of their sex.

Gathering the Information You Need

There are probably five basic ways you will gather the information you need for your review: through telephone calls, letters, interviews, observation and reading.

TELEPHONE CALLS

A telephone call is probably the best way to get yourself started on the review.

Make a phone call or two and ask some general questions to get a feel for the lay of the land. You might want to set up an exploratory interview with your school principal. You might want to call district headquarters and ask how citizens can get a copy of the current school budget, or where to go to look at it. You might ask if any policy directives have been issued about compliance with Title IX. Will they send you copies? Perhaps you'd like to know who received copies of the policy statements. Maybe you'd like to know where you can get copies of the curriculum guides for certain subjects and classes. You might ask when they were last revised and whether revisions are planned.

It is probably best not to conduct interviews over the phone. It's funny, but people are more likely to feel their day has been interrupted by a long phone call than they would by an even longer interruption which is set up as an appointment in their office.

Use your phone with discretion to seek quick information from a friendly contact, to nudge along a request for documents or to seek an appointment. And never discount the person who answers the phone. They are often people who know a great deal about the workings of the system and can help or hinder you in your search for information.

Even on the phone, don't forget your notebook. Write down the date and the name of the person who gave you the information, whether it's a secretary or an administrator. It's nice when you call back for further information to be able to ask for the person by name.

LETTERS

Every letter raises someone's awareness of sex discrimination — and provides a permanent record of your concern. Writing a letter emphasizes your seriousness of purpose. You certainly can, and should, make telephone requests for simple information or for an appointment. However, if you don't get the information you need or the appointment you want, then try writing a letter. A written request is much weightier than a telephone request.

For some purposes, a letter is essential, especially if you are asking for information that is extensive, complicated or hard to compile. Try to be as precise as you can be in describing any documents you request, giving titles, dates, etc. If you can, indicate that you are willing to read them at the school office if size precludes duplication. If you are asking for an interview, give a general indication of the topic.

If you are acting on your own, you should still feel perfectly free as a private citizen to write letters requesting information or interviews. If you are reviewing the schools as part of the organized activity of a local group or national group, by all means use their letterhead or the name of the group. It can give your request more weight.

Try to tie every letter to your efforts to achieve compliance with the law and the general improvement of education. It is useful to close your letter by saying that you will be calling back to talk about the matter. You set the stage for a continuing dialogue.

If you have trouble getting information from a principal or a supervisor, consider sending a copy of your letter to the superintendent. You might want to send copies of your correspondence to one or more school board members. That will at least lead to questions from the board members. Hardly any school board wants to invite HEW in to review their school district for discrimination.

There will be times when you want to use copies of your letters in other ways — to get general publicity, involve other organizations, or build public support.

INTERVIEWS

If you can take someone with you on an interview, that would be nice, but don't ever feel you can't do it alone. There are benefits either way. A "delegation" is more alarming and less likely to elicit the off-the-cuff responses which tell you so much. On the other hand, if you are going to see someone you know is hostile in attitude, you may want to take along one other person as witness and as added support. No matter if you come in ones, twos, or delegations, top officials will often have someone from their staff sit in on the interview. They want a record, and believe it or not, support, too.

And so do you. Take your notebook and take notes. If you hear something particularly horrifying, try not to signal your reaction by beginning to write furiously. Wait a moment and get the key words. You are seeking the best

insight and information the person can give you. Don't frighten it off.

Questioning. If you have received material from a particular office before the interview, be up on it and line up the questions you want to ask in relation to it. Look over the relevant section of Title IX and the review guide that covers a particular office.

You may want to begin by asking large overview questions which allow the person to talk and express her or his views. Ask questions about the successes achieved thus far in ending sex discrimination. It's important that they know you are looking for, and are willing to recognize, the good things the schools are working toward and accomplishing. Give them an opportunity to tell you.

Ask what each person sees as major roadblocks to ending sex discrimination and achieving compliance with Title IX. This may give you fresh insight into where the problems are.

These questions lead into the specific information you need and you can, then, begin to relate your questions to the particular expertise and responsibilities of the person you are interviewing.

Listening. Interviews can be very enriching because they often tell you about things that you didn't even know you had to know. For example, perhaps a male coach tells you that he serves on the school district Title IX committee. He explains that the superintendent told him the committee was going to be formed, and suggested he look into joining it. That kind of information can be translated into a question for another interview. When you talk to others, you can ask if they knew a Title IX committee was being formed. Were they invited to join or given a chance to volunteer? Would they have liked to be on it?

Interviews are particularly good not only for direct information but for picking up indications of attitudes and practices which can perpetuate sex stereotypes for all students. Watch for statements, including statements of opinion, you may want to quote in a report. Write down the exact words.

Naturally, you are more likely to elicit information in interviews if you withhold your judgment of the comments you hear. Your job, at this point, is to find out how bad or good the situation is, not to take on a teaching role.

Keeping the Door Open. Interviews help to establish a personal relationship, however tenuous, to which you can come back for further information and, when the time comes, as an entry to begin the change process.

Try to end on a pleasant note, and always with a request for permission to come back or call if you need further information or clarification. Always ask for names of other people that the person thinks can be helpful.

If you are in a school building, ask for permission to walk around while you are there. Come prepared with a list of things you want to see, and check on them while you are there. The enclosed guides will suggest many items for such a list.

Presenting Your Information

You will probably never reach a point where you feel you have learned everything there is to know about your subject. But somewhere along the way, you'll realize you have collected an awful lot of information, or that what you have learned is important, even if it covers a limited area. The question is: What then?

If the time and effort you put into the review are to pay off, you ought to bring your facts and ideas together in written form. This does not have to be an awesome task. A report can be short or long, simple or more ambitious. You certainly do not have to be an expert; you will find detailed suggestions below on how to proceed. It is a very important task because it is your most effective way of telling others what you have learned.

A report provides a permanent record that others can use and build upon. It makes your facts and recommendations clear to everyone — principals, superintendent, school board, PTA and the community at large. They can then see and understand in a personal way what sex discrimination can mean to children.

THE REPORT: LARGE OR SMALL?

Some people may feel that to be worth doing, a report must be a hundred page document which covers the school from athletics to zoology. Not necessarily. In some situations, a concise report of a few pages on how a single school should be supporting its girls' athletic teams could be very useful to parents, coaches, and the principal. Not to mention the girls.

A report may be short or long, covering only selected findings on one aspect of discrimination or ranging more broadly. Sometimes people have found they arrive at the latter by doing a series of the former. Either way, writing a report is not an overwhelming task when approached a section at a time.

DEVELOPING A REPORT

The detailed outline which follows can make it easier for you to pick out the pieces you want to use and just fill in the headings, using specific information gathered in your review and general information gathered from various sections of this package.

If more than one person has worked on the review, then probably each person should write about the subject she or he covered. However, it would be very good if one person would take responsibility for checking the entire report for consistency in facts and recommendations. You do not want to find, for example, after you have given out copies of your report, that the person who wrote on Topic A said that the school budget was X and the person who wrote on Topic B said the school budget was Y and that based on different budget figures they made differing recommendations.

It will also make for easier writing and reading if each writer follows the same kind of outline so that there will be consistency to your format.

Report Outline

I. Summary

Identify Title IX and educational sex discrimination.
Identify who is responsible for the report and how the review was conducted (interview, document review, etc.).
Tell what areas were covered. Highlight the worst discriminations you have found.
Summarize recommendations.

II. Table of Contents (very important — do not omit)

III. Introduction

Discussion of Title IX.
Impact of discrimination and stereotyping on girls.
Who is responsible for developing the report; how their interests developed.

IV. Method of Operation

Areas covered (athletics, counseling, etc.).
Persons interviewed (identify by position, not by name).
Documents reviewed (handbooks, policy statements, counseling materials, career education materials, curriculum guides, course descriptions, etc.).
Activities observed.

V. Findings

Topic A: Athletics: Why is it important to be sex fair? What is being done to achieve this goal? What is being done which is contrary to this goal? What should be done? (Recommendations.)
Topic B: Vocational Education (same questions as above).
(Follow a uniform format whether you have one topic or ten.)

VI. Recommendations

A summary of all the: "What should be done's."
Additional general recommendations should suggest some ways to get the school system and the community involved in recognizing the problem and committing themselves to doing something about it in an ongoing manner.
Probably some automatic recommendations will be for: staff training on sex discrimination and stereotyping; review of all official publications for sexism and rewrite; establishment and funding of ongoing citizen committee for Title IX to work with Title IX coordinator.

VII. Notes

Footnotes are called notes when they are at the end of a document. Put them there. It saves typing time. Wherever there should be a note in the text, put in a "-" and fill in the number later. That way you won't go crazy changing the numbering if you have to shift, expand, or cut the text.

TYPING AND DUPLICATION

Type everything double space. Use lots of headings and subheadings. That helps to break up the text and catch the eye of the skimmers when they hit an area that interests them.

Well-reproduced pictures are nice if you have them. Drawings can be attractive and potent commentaries. However, if you have to depend on cutesy-pie "funny" caricatures, or pictures of uncertain quality, better not try to decorate your report. Concentrate instead on a text that is laid out carefully.

Proofread with care and get the best duplication you can borrow or buy. Uncorrected typos will, unfortunately, take away from the impact of what you have to say. In the same way, pale duplication that is difficult to read will be laid aside unread by all but the most committed.

The more professional your presentation, the more likely it is to be read and attended to. That doesn't mean you have to be a professional report writer. It means you should budget your time and funds, if any, so that the information you have gathered gets the most effective presentation that you can manage.

Package it with care.

THE FINISHED REPORT

You certainly will not want to just file a report and slip away. You will probably want to talk to people, lots of people, about what you have learned. Your report will help you do this. You can send it to people, or bring it with you, or leave it behind after a meeting. The enclosed section, Strategies for Change, will tell you more about how to do this.

Back to the Beginning

The tools are here. Do as much as you can. Each little bit helps. If you improve conditions in just one class, that's a lot for the children in that class.

Start with what absorbs you. Your enthusiasm will carry you along and bring others along with you.

It will take time to gather the facts. It will certainly take time to bring about changes in your school system. All the more reason to start now.

Make a phone call and see how the land lays. Talk to a friend. Sit in on a class.

The tools are here. You can begin it. And you can do it.

2

Review Guides:

Opening the Doors

Athletics
Physical Education
Vocational Education
Counseling
Rules and Customs
The Pregnant Student
Employment
Grievance Procedures

Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias in Your Schools

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Perspective

Under Title IX girls and boys must be given the same educational opportunities and options in America's public schools. No class or course of study can be forbidden to a student or required of a student because of her or his sex. No student can be denied admission to a public school because of his or her sex, except under very limited circumstances discussed at the end of this section.

In the past, exclusion from courses has occurred both as a result of official policy and as a result of traditional attitudes often shared by students and school people alike. Encouragement received — or not received — from principals, counselors and teachers can have a powerful impact on a student's choice of courses.

The subtle messages contained in the words and pictures of course descriptions can also influence these choices.

Under Title IX, suggesting that certain courses be taken — or not taken — on the basis of sex is a violation of the law. However, it is much easier to end official restrictions and to avoid forbidden suggestions than it is to change attitudes developed by past restrictions. The tradition that some courses are for girls and others for boys may linger long after the policies are gone. If students are really going to feel free to take nontraditional courses, the schools need to work continuously to counteract the effects of past discrimination.

Typically, the results of overt and covert sex discrimination have been most apparent in the absence of girls from certain vocational classes and from advanced classes in math and science. Boys, on the other hand, have been discouraged from taking courses that would teach them something about caring for a family, and often have been subject to pressures if they spent much time with electives such as music, art, drama and dance. All of these restrictions — formal and informal — have seriously limited the options of boys and girls.

For more detailed information on specific programs which are very likely to have been sex segregated in the past, and may need to have current practices checked, take a look at the following areas in the guides:

Vocational Education. Vocational schools cannot be sex segregated for any reason in any programs.

Physical Education cannot be segregated on the basis of sex. The process of integration must be completed or underway.

Pregnancy in either married or unmarried students cannot be used to bar students from any school, course of study or extracurricular activity.

Counseling and guidance concerning which course of study to take cannot be given on the basis of sex.

Athletic opportunities cannot be limited on the basis of sex.

Extracurricular activities cannot be limited on the basis of sex. See section on Customs and Rules.

Highlights

Official Policy

The question of access and admission must be reviewed from two perspectives: the obvious and the subtle. If your school district or school forthrightly and officially forbids or requires certain courses on the basis of sex, they are in violation of Title IX. Period.

Review Points:

- Call the school or the district office and ask if there are any classes or courses which are forbidden or required for girls or for boys on the basis of sex.

Unofficial Policy

Even if there is a district policy which recognizes Title IX and has eliminated official sex segregation, it will be important to check how that policy is being carried out and how aggressive is the effort to encourage students to expand their options.

Review Points:

- For each school you decide to monitor, ask for course descriptions (which tell students what the courses will be like) and curriculum guides (which tell teachers what is to be covered in each course).
- Check these official publications for sexist language such as "the student... he ..." or sexist assumptions such as "the future for men in science is..."
- Look for course descriptions and titles — like "Bachelor Cooking" — which assume that the course is of more interest to one sex.
- In curriculum guides, look particularly at the activities suggested for achieving the course objectives. See if they are designed to interest both boys and girls.
- Check lists of suggested literature in both curriculum guides and course descriptions. See if the selection as a whole reflects sex bias. (On the problem of sex bias within textbooks, see the Resources section.)
- If you find the course descriptions or curriculum guides to be discriminatory, ask when and how they will be rewritten to comply with Title IX.

Level of Effort to Change

Principals, teachers, counselors and superintendents are likely to tell you that fewer girls are in certain classes because girls simply are not interested in those subject areas. You will want to know what the school is doing to encourage girls to expand their interests and broaden their options.

On this point, talk to all the school people: the teachers and counselors who work directly with students, and the principals and superintendent and supervisory personnel who set up policies and standards.

Review Points:

- Specifically and systematically, what is each group doing to encourage girls to take advanced math and science? Or the industrial training courses which lead to better paying jobs?
- Ask for evidence of remedial or affirmative action directed towards expanding student options. Has a series of flyers been sent home? A series of assembly programs prepared on new options and responsibilities for adult women and men? Look for continuity in the effort. Although individual, or one-shot, interventions are useful, they are not the same as a concerted "advertising campaign" persuading students to take advantage of expanded opportunities.

Newly Mixed Classes

If some progress has been made in your school or school district, there will be a few students who have moved into the previously segregated classes and courses of study. These girls and boys may be able to provide insight into what it is that helps students make a nontraditional choice: that would be useful information for schools wishing to encourage other students.

Review Points:

- Ask for permission, if necessary, to talk with students who are the numerical minority by sex in vocational schools or programs, and in the advanced math and science classes as well as in other electives.
- Some questions to ask might include: Why did the students make the choice? Did they consider doing anything else? Did they receive support in the school? Out of school? What kind of support are they getting now that they are in the class? How do they feel about their treatment? Would they encourage others to sign up for the course? How do they think the school could encourage others?
- Talk to teachers of traditionally one-sex courses. How do they feel about mixed classes? Do they see any problems? What do they think influences enrollment by both sexes?

Academic Sex Segregation

The **only** time students may be (which is not the same as must be) segregated by sex in an academic course of study is during that portion of it which deals exclusively with human sexuality.

Review Points:

- Read the curriculum guide and talk to the teacher of the course to find out how "portion" and "exclusively" are being defined.
- You may want to find out if the boys and girls, when separated, are taught the same thing.

The Sex Segregated School

There have been, in the past, some single-sex public high schools. Few of them are left today. If there is one in your district, it is illegal **unless** the district also makes available to the excluded sex a school which provides courses, services and facilities comparable to "each" course, service and facility offered in the segregated school.

No vocational school can be sex segregated for any reason whatsoever.

If your district has a sex segregated school:

Review Points:

- Is there a "comparable" school in existence for the excluded sex? Does it offer a comparable number of places for enrollment?
- Ask the principals of the parallel schools for a list of course offerings and facilities for each grade in the school. Note especially math and science courses, art and music, home economics and shop, physical education, athletics and other extracurricular activities.
- Talk with the principals, guidance counselors and teachers concerning the services offered at each school.
- Talk with the superintendent concerning the comparability of the two schools.
- Talk to the students for their perception of opportunities available to them.

2

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Perspective

Sex discrimination in athletics is a volatile issue. Long-standing traditions are at stake concerning who should control and who should use what is probably the biggest non-academic item in the school budget. You are likely to find the most discrimination here — and perhaps the most resistance to change. It may turn out to be the most important area that a citizen could explore.

Girls need to know that they can be winners. That they can compete, show leadership and understand teamwork. Knowing this affects how they see themselves and their potential. Even if they don't play all the time themselves, they have a right to a model which says girls are worth cheering and supporting; that girls can win.

It is important to note that athletics and physical education are two quite separate parts of a school program. Physical education is an area of instruction, a part of the school curriculum. Athletics on the other hand, is an **extra**curricular activity that may use school facilities but is not part of the school's instructional program. Both curricular and extracurricular activities are covered by Title IX.

The Title IX Regulation emphasizes the need to make **opportunities** equal for boys and girls in order to bring school athletic programs into compliance with the law. (See Section 86.41 of the enclosed Title IX Primer.) Opportunities have to allow for the **interests** and **abilities** of each sex. The basic concern needs to be with the overall pattern of equality or inequality of opportunity. Probably no single fact will determine whether your school — or school district — is providing equal athletic opportunities. A great many individual facts need to be considered.

Title IX applies to athletics in public elementary schools, secondary schools, and almost every college and university. Athletics in elementary schools should have been integrated by July 21, 1976. Secondary schools have until July 21, 1978 to equalize their athletics program, but HEW has made it clear the interim is not to be viewed as a waiting period. Rather, it is a time to implement the changeover.

The following section suggests some areas to explore to see how well equality of opportunity is doing in your school or school district. Your review will probably be most effective if you can combine hard figures with perceptions and quotes that reveal the attitudes of the coaches, the principals and the girls themselves. Many people are quite surprised to find out how much girls — often alleged to be uninterested — really wish they had an opportunity to participate in a wide-ranging athletic program.

As you conduct your review you are likely to bump into requirements and rules which schools have always obeyed in order to be part of state athletic leagues or conferences, the traditional arbiters of interscholastic athletic competition. Such requirements are not an out for your school system. Title IX — Federal law — takes precedence over these requirements and even over State law.

However, some State laws require **more** equality than does Title IX. For example, some State laws say that girls **cannot** be barred from **mixed** contact sport at the discretion of the school district. In those cases, use the State law. You can find out about your State laws by writing or phoning the State Attorney General or the State Department of Education.

Title IX only limits inequality. You can go as far as you like beyond Title IX to achieve greater equality.

As you explore your schools' athletic program, you will need to make careful judgments on what you consider a satisfactory effort by the schools. Are you willing to settle for "more" opportunity for girls, or are you going to hold out for genuinely equal opportunity? If there were two girls' teams last year, and there are five teams this year, that may seem like a lot. It certainly seems better. But if the same school can afford to field ten teams for boys, you have to decide if better is good enough. Are the girls, in fact, being offered as many sports as they would like?

No matter how small the pie, as long as there is a pie, it can always be cut in different size pieces, in order to come closer to achieving equality of opportunity. The question is not: How much money do you have? It is: How much determination do you have to cut that money pie differently? Cutting it differently may violate tradition, but refusing to cut it differently may violate Federal law.

Don't, in short, be too grateful, too soon.

Highlights

In reviewing an athletic program, private citizens and the school staff need to look at the overall pattern of athletic opportunities open to boys and girls. HEW has indicated that it will look at "the totality of the athletic program" in a school. That overall program has to provide equal opportunity for girls' interests and abilities in athletics. That is the one overriding consideration in this section of Title IX. Everything else is measured by its contribution to that total result. Some of the things HEW will consider — and which you need to examine — are:

How much money is spent on girls' athletic programs? On boys'?

How many girls and boys are actually getting to play on teams? In how many sports? At how many levels of ability?

How fairly are games and practice time scheduled?

What kind of coaching do the teams get?

How is travel away from home handled? Are girls and boys treated equally in reimbursement for meals? Other expenses?

How much support does the school give boys' and girls' teams? In equipment? Space? Uniforms? Awards?

Are medical services provided equally?

What kind of publicity do the teams get?

Each of these questions will be treated in some detail below.

Equalizing Opportunities

The need to equalize opportunities for girls has been fundamental in shaping the guidelines for athletic programs under Title IX. Girls are granted certain advantages in school systems where "overall athletic opportunities for girls have been limited in the past." Since this crucial phrase applies to most school systems, the impact of this clause is very wide-ranging. The clause is intended to give girls a chance to compensate for opportunities that have been denied and skills that have not been fully developed.

Where overall sports opportunities for girls have been limited, girls must be allowed to try out for boys' competitive teams, unless it's a contact sport or there is already a girls' team. If there are many girls who are interested in a sport, but cannot win a place on the boys' team, the school must organize a girls' team to provide adequately for girls' interests and abilities. Where overall opportunities for girls have been limited in the past, boys may be barred from girls' teams. If there are any school districts where athletic opportunities have been equal, the school may, under Title IX, organize separate teams for boys and girls in competitive sports and prevent either from joining teams for the other sex.

Contact Sports

In all situations, contact sports are treated differently from non-contact sports. HEW defines contact sports as those "the purpose or major activity of which involves bodily contact." This includes sports such as football, ice hockey, rugby, wrestling, basketball, and boxing. HEW has said that baseball, track, volleyball, swimming and tennis are not contact sports.

Under Title IX schools may bar girls from playing with boys in contact sports. They do not have to bar them. However, if girls' opportunities have been limited in the past, and a sufficient number of girls are interested in their own contact sport team, they have a right to a team of their own.

As you pursue the questions below, you might sometimes get bogged down in other people's priorities and other people's details. At such times it may be useful to review this material again. It will help to keep clear in your own mind the central purpose and the basic thrust of the Title IX rules on athletics.

Where Is the Money Going?

Your school budget is a good place to start in reviewing the school athletic program. It is a good indication of the school system's level of effort, and it will often show dramatic dollar differences, so that even people who never gave much thought to athletics for girls will sit up and take notice.

For example, in one rural school system the yearly budget for boys' interscholastic athletics was $19,000. The same school system set aside $160 for the girls to have a one-month volleyball season.

HEW does not require that equal amounts be spent on boys' and girls' athletics. Nor does it require that equal amounts be spent on each girl or boy athlete. But it does require that the money be spent in a way that produces equality of opportunity.

It is important to take a good look at the athletic budget, so that at the end of your review, when you talk about reapportioning the dollars, you are familiar with the actual figures. Some of the figures will have more meaning for you as you gather more information about school teams. So keep them handy and refer back to them as you proceed.

Review Points:

- Call the school district budget office and ask how much is spent on athletics. How are athletic funds broken down in their budget? By sex? By school? By sport? It is particularly important here to keep the name of the people you speak with, because you may want to go back to them for technical help in reading the budget.
- If it's already broken down by sex, ask if they can send you the figures. If they can't, ask where you can go to look at the budget.
- If athletic funds are included in lump sums given to each school, then the answer to who gets what is in each principal's office. Find out who handles these figures in your local high school principal's office.
- If athletic money is allocated by teams, you can add up the team figures based on what you find out about which sex plays on which teams. You will arrive at a pretty good estimate of expenditures for girls' athletics and boys' athletics.
- If you have a sympathetic school board member, you might suggest that they ask the superintendent for a breakout of athletic expenditures by sex.
- Make sure that you also have figures, by team, for such related costs as coaches' supplemental salaries and transportation to games.
- It might be interesting to divide the total cost of each team by the number of students who play on the team. If you do this for girls' teams and boys' teams, you will get a rough idea of how much the school system spends for each girl or boy athlete. That can be useful if you are told the schools are doing the best they can for girl athletes.

Is There "Extra" Money?

Some schools encourage and allow outside groups to raise and provide funds for special school projects, including athletics. PTA's, men's community organizations and special booster clubs often raise and donate funds to buy better equipment, to provide transportation money or to offer trophies. Usually this money is funneled exclusively to boys' teams.

Under Title IX, the school may no longer cooperate with outside organizations which discriminate against its students. The school can accept

money from outside groups only if it is made available to boys and girls, or if the school can raise equal amounts for the girls from other sources.

Review Points:

- Talk to the principal, the coaches and the PTA president to find out if there are outside donations. How much money is contributed and what teams does it support?

Finding Out About Student Interests

Under Title IX, school staffs can no longer build an athletic program on the basis of their own best guess as to the athletic interests of girls and boys. They have to take specific steps to **find out** what sports girls and boys want; and they have to do this at the outset of their compliance efforts. They should have done it by now, since it was a required first year action in implementing Title IX.

HEW told schools to make their survey of student athletic interests as broad as possible, and to check with all the groups involved in school athletics — coaches, teachers and especially the students themselves. The exact methods were left completely up to each school district.

The schools are asked to evaluate student interests — and student abilities — so that they can provide equal opportunity based on this information. They need to know the comparative abilities of boys and girls in specific sports in order to have some idea how teams need to be organized.

Because the claim that "girls aren't interested" has been the basis of much athletic discrimination, it will be important for you to know how your school district found out about girls' interests, and whether they got the best information they could. The review points will help you determine whether your school did the best job it could and whether their survey was as fair as possible, not just whether it complied with Title IX.

Review Points:

- Ask at the district office if a survey has been conducted. If nothing has been done, the district is in violation of Title IX.
- If the district had each school set up its own survey procedure, ask the schools how they got their information.
- If there has been a district-wide survey of some sort, ask to see the results. If you are given a written summary, ask to see the data on which it is based. You want to get some idea how the results were arrived at.
- Here are some questions to ask about procedures:
- Were the same questions asked of girls as of boys?
- Were choices limited in any other way?
- Were questionnaires distributed to students? Were class discussions held? By whom?
- If individual questionnaires were not used, how did the school guard against undue pressure from classmates or others?
- How have student abilities been evaluated?
- What changes have been made in the school athletic program as a result of the survey?

Who Gets to Play?

Early in your review you need to get the basic facts on your school's athletic program. How many teams? What kind? How many girls and boys are playing? This requires some careful counting, and careful identification of what it is you are counting.

It is necessary to get team names and sizes in detail because generalizations can sometimes be misleading. As just one example, cheerleading is often considered a varsity sport for girls, and might appear in the total of girls playing fall varsity sports — unless you inquire further.

Review Points:

- At each school you are going to review, ask what teams are fielded each season. Which of these are boys' teams, girls' teams and mixed teams?
- Find out from students and coaches if any of these sports are offered out of season. If a spring sport is offered in the fall, along with a regular fall sport, this can sometimes keep students from playing **each** season, and many athletes want to.
- Are there different levels in each team, such as junior varsity and varsity?
- When you've got the names and levels of teams, determine the number of boys and girls who play each season. Then total the numbers for the whole year. Are there as many places for girls as for boys?
- Where possible, make a sport by sport comparison of places for girls and boys.
- Ask girl athletes if they are getting to play in the sports they want.
- If the number of teams and the number of places appear out of balance, ask the coaches and the principal why this is so. Record their answers very carefully.
- Do these figures throw any new light on the budget figures you have gathered?
- How do they compare with the survey of student interests?

How Equal is Team Support?

Once you have determined the number of girls and boys who actually participate in school athletics, you will want to find out what kind of support each team gets from the school.

How About . . . Scheduling?

Scheduling of games and practice times can have a powerful impact on the success of school teams. The convenience of practice times is a key to encouraging or discouraging students to participate in a sport. The convenience of game times is often a key to developing spectator interest and support.

Several school districts have already been found in violation of Title IX because of a serious imbalance in the number of games scheduled for girls and for boys.

Review Points:

- How long is each team's playing season?
- How many games do they play in a season?
- How is "prime time" distributed?

For practice?

- Ask the coaches for practice schedules for as many different teams as you want to review. How is the practice scheduling worked out where boys and girls use

the same facilities? Who practices right after school, at the most convenient time? If the girls and boys do practice at different times, who gets to practice in early morning or in the evening?

- Talk to the students and see how they feel about the practice schedule. When would they like to practice?
- Are any teams allowed to use physical education class time to practice? Or to prepare for after-school practice?

For the field?

- If there is one outdoor field, which teams use it? Do boys' or girls' teams get to use it more?

For the games?

- When do boys' teams play? Girls' teams?
- If they don't play together, are boys' or girls' teams scheduled at an hour when spectators are most likely to come, such as Friday night or Saturday afternoon?
- See if the school has a spectator count for boys' games. For girls' games.
- Talk to team members and coaches to find out how they feel about scheduling.

How About... Coaching and Tutoring?

Coaches for boys' teams have often been paid salary supplements for their coaching duties. Coaches for girls' teams are sometimes paid less, or not paid at all. Under Title IX their rate of compensation must be the same.

Title IX also requires that girls' teams receive the benefit of the same amount of coaching time and coaching skill as boys' teams. This has not always happened in the past.

If the school provides any tutoring to help athletes in competitive sports keep up their grades, or make up for missed classes, this must be provided for girls as well as boys.

Review Points:

- Does each boys' team have a coach? Does each girls' team have a coach?
- Are the coaches chosen on the basis of their sex? That is a violation of Title IX.
- Do all coaches get an extra salary supplement for coaching? Either the principal or the district budget office should have these figures. Compare supplements for coaches of girls' and boys' teams in the same sport.
- Does the school tell you that girls' coaches are paid less (or nothing) because the girls' season is shorter? Since the shorter season is discriminatory to start with, the coach cannot be paid less on this basis.
- Does the school justify higher salaries for coaches of major boys' teams because of the extra pressures on them? That is not considered valid either.

What About... Travel?

As Title IX brings more girls' teams into the picture, games away from home will become more frequent, and it becomes important to check how travel arrangements are handled. In the past, girls have often been left to fend for themselves.

One coach said that girls' raising their own transportation money kept up their team spirit. Team spirit or no, girls have to get just as much help as boys in getting to games away from home.

Review Points:

- Get the official transportation policy from the principal and the coaches. Then talk to the girls' parents, the girls' coaches and the girls themselves. Compare answers.
- How does each team transport itself to its games? Who pays for it? Who pays for food if the team eats away from home?
- Are parents carpooling girls' teams? Do the boys' teams have to carpool?

What About... Equipment and Supplies?

Take a stroll around your school. Or ask for an appointment to visit when you can see the athletic facilities and equipment, and find out if girls' and boys' teams are equally well equipped. What isn't immediately apparent to the eye can probably be revealed by asking the boys' and girls' coaches.

And don't forget to talk to the girls. The girls' locker room which seems fine to the football coach may or may not seem fine to the girls who use it.

Review Points:

- Do boys' and girls' teams in the same sport have the same equipment?
- Do boys' and girls' teams in different sports have equipment in comparable condition?
- How fast have they had their requests for new equipment filled?
- How do boys' and girls' locker rooms compare? In size and condition? In equipment?
- Are there different gyms for boys' and girls' athletics? How do they compare?

Uniforms

- While you are speaking with athletic team members and coaches, find out how the school handles uniforms. These also reflect the extent of the school's financial and moral support.

Review Points:

- Do girls buy their own uniforms? Do boys?
- Who takes care of the uniforms? The school or the home?
- If the school purchases uniforms for all teams, are they comparable in quality and comfort?

Medical and Training Services

Some schools provide a variety of special medical services for major boys' teams. They must now make these services available for all other teams, girls' as well as boys'.

Review Points:

- Find out if medical services are provided to both boys' and girls' teams. Are they the same services? Check with the district office in charge of athletics and also with some of your own school's coaches.
- Ask, also, if trainers are provided to help boys, and if a similar service is provided to girls' teams.
- If your school maintains health insurance policies, do the policies cover girls under the same circumstances as boys? The district business office should have the answer to this, or know who does.

Publicity

Schools should be making at least the same effort to publicize girls' teams as they make for boys' teams — both in the school and in the community. In places where girls' teams are new, or haven't had publicity before, schools should be working extra hard to draw attention to the girls' teams.

While schools can't **make** newspapers give girls' teams the same space as boys' teams, there is a lot they can do to show their own interest and to build spectator support — and that, in turn, may increase the interest of the media.

Speak with the principal, the office secretary, girls' and boys' coaches, girls' team captains, and PTA officers in order to get some idea of what publicity efforts are being made on behalf of girls' teams. Also speak to newspaper people who cover school athletics.

Review Points:

- How much publicity goes out on girls' events? If the school sends out press releases, how many were sent out for girls' team events last year or for boys' events? Do coaches call the papers, make contacts, for both boys' **and** girls' teams?
- Do flyers go home to parents on girls' team events? Are there announcements in the PTA bulletins about the girls' schedule?
- Does the school organize pep rallies, put up posters all over town, make P.A. announcements for the girls' events to the same extent it does for boys' games?
- Do a little survey of the past issues of the school paper. Is it providing anything like comparable coverage — pictures as well as text — for girls' events?
- Call the local newspaper or TV station and get their perspective on the level of effort the schools have made to engage their interest in girls' sports.

Awards

The visible status symbols given or sponsored by the school to the girl and boy athletes tell a good deal about the school's attitude about athletics in general and probably girl athletes in particular.

Awards, trophies, pep rallies, banquets and cheering are as important to girls as to boys.

And please don't neglect the role of the cheer squad. If cheer squads have been organized to rally school spirit and make the boy athletes feel the school is behind them, isn't it just as important for girl athletes to get that same feeling?

Review Points:

- If awards are given out for athletic excellence, find out what kinds, the monetary value, and the numbers given to boys' teams and to girls' teams. School letters to the boys and a paper certificate to the girls are not comparable awards.
- Check the trophy boxes in the schools. Are the trophies the same size?
- Ask if pep rallies and end-of-school banquets are organized for participants in girls' teams.
- If there is a cheer squad, does it cheer for girls' team games (or mixed team games) as it does for the boys' teams?

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PEER's Guide to Ending Sex Bias In Your Schools

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Perspective

It is important to keep in mind that physical education is a course of study, a part of the curriculum. Under Title IX, schools can no longer offer separate courses for girls and boys in any part of the curriculum — including the physical education curriculum.

Elementary school physical education classes should have been completely integrated by July 21, 1976. Secondary schools are to integrate their classes as "expeditiously as possible" but not later than July 21, 1978. The delay for secondary schools is not a waiting period, but a period in which change must be underway.

Integrated physical education classes are not a new idea born out of the Title IX Regulation. Many schools have always had integrated physical education classes. Other schools have now completed their conversion to integrated physical education classes. They have found ways to reorganize their particular resources and classes in ways that comply with the law. No two schools have identical resources or structures, but what was solvable in one school is surely solvable in another school as well. If the adjustment problems seem to loom large in your school, this might be a good area for cooperation between school and community.

Many of the basic teaching skills required in an integrated physical education class are skills which experienced physical education teachers already have developed. They know how to teach students with a wide range of abilities, because no single-sex class has ever had students who were all equal in size, strength or agility. This is especially true of the early adolescent years when children display such a startling difference in rates of growth.

Similarly, physical education teachers are experienced in providing for the safety of students with a wide range of sizes and skills, working together in a variety of physical activities.

Most important, proper education in physical fitness, motor skills and group skills has equal value for both sexes. Any activities that have traditionally been offered in physical education classes may continue to be offered in sex integrated classes. Carried out with imagination and commitment, Title IX should lead to an enriched physical education curriculum for both boys and girls.

Highlights

You probably will not get very far into your first conversation about physical education under Title IX without getting involved with some of the special provisions relating to physical education. Things you probably should know before you start are:

- Students may be grouped by ability, as long as this is not done on the basis of sex, and objective standards to determine ability are applied on an individual basis. An objective standard should allow two people evaluating the same student to reach the same rating.
- Girls and boys may be separated during the playing of contact sports. They do not have to be separated. Contact sports are football, boxing, wrestling, basketball, ice hockey and rugby. Girls and boys cannot be separated during instruction or for other activities in the same class.
- Evaluation of students' skills or progress in physical education must be based on standards which do not have an adverse effect on students of one sex.
- If any method of organizing physical education classes leads to unbalanced classes, the school has an obligation to make sure this is not the result of sex discrimination in counseling or evaluation.
- None of these provisions can be used as a way of resegregating physical education activities.
- Locker room and shower facilities can be separate, but they must be comparable in size and equipment.

Most of these points will be discussed in more detail below.

Talk to the Teachers

Whether or not your school has already integrated physical education classes, you might start out by talking to the physical education teachers in all the schools that are being reviewed. These teachers are pivotal figures in the successful integration of physical education. Be sure to speak to both women and men teachers.

Review Points:

Some questions you might ask:

- Are their physical education classes integrated? (If your school is an elementary school, and has not integrated classes, point out that the school is in violation of Title IX.)
- What guidance have they received from their supervisors on compliance with Title IX?
- Have physical education teachers in the district had opportunities to meet and discuss implementation of Title IX?
- What written materials on Title IX — policy statements, curriculum guides, and so on — have they received from the district? Ask if you can see them or where you can get extra copies.
- What additional help do they feel they need or may need? In training? In materials? In personnel?

Planning for Integration

If your school has not yet integrated physical education, spend time in the central office reviewing preparations in your district. Speak with the physical education supervisor, and others who are involved, about their plans for integration of junior high and high school physical education.

Review Points:

- Ask what steps the schools have taken toward implementing coeducational physical education.
- Has a review been conducted for physical education? Ask to see a copy.
- Have policy guidelines been issued? Ask to see a copy.
- In order to implement integrated classes successfully by July 21, 1978:
  - Have staffing needs been reviewed?
  - Has staff training been started?
  - Has course curriculum been reviewed?
  - Have nondiscriminatory objective standards been developed to measure student skills?
  - Has physical equipment been reviewed?
  - Have implications of Title IX been discussed with students? With the community? How?
- Ask them to send you course descriptions for next year.
- Ask any relevant questions which have evolved from your talks with physical education teachers.

How Integrated is Integrated?

If your school has already established coeducational physical education classes, you will want to spend much of the time in your local school and especially in the physical education classes themselves. This is the only way you will know just what impact Title IX is having.

Course Descriptions

Many secondary schools provide students with a list of courses for the next semester which give, in a sentence or two, some description of both required and elective courses. These descriptions can set an encouraging or discouraging tone about integrated physical education.

Some secondary schools have introduced a "cluster" method of scheduling physical education. This allows students to choose which series of physical education activities they want. But it can become a problem, and an evasion of Title IX, if one cluster includes only traditional "boys'" sports, such as football, basketball and baseball, and another cluster includes slimnastics, volleyball and softball, all traditionally considered "girls'" sports.

Review Points:

- Check with local secondary schools for copies of course descriptions. See if the descriptions indicate that all courses will be sex integrated.
- Check for language that assumes only a certain sex will be interested in certain sports.
- Ask students how they chose their course or cluster. Would they have liked other choices?

- Ask the principal for the number of boys and girls in each course or cluster.
- Ask them to send you a copy of the new course descriptions for 1978-79.

Class Activities

It is not the intention of Title IX to bring boys and girls into the same gym so that they can then proceed to carry on totally separate activities within the same walls. But this is happening in some schools and it is something you will have to check carefully.

Contact Sports

If your school chooses to separate boys and girls during the playing of contact sports — such as football, basketball, wrestling, boxing, rugby and ice hockey — they can separate them only for this limited time period. They may not be separated during instruction for these sports. In basketball, for instance, rules and skills such as foul shooting, dribbling and unguarded lay-up should be taught on an integrated basis. Neither should boys and girls be separated for other activities during the semester, just because the semester incl[illegible]er, a contact sport.

Grouping by Ability

In ability grouping, as in contact sports, the school may or may not choose to separate students on this basis. In physical education, there may be good reasons for ability grouping and also good reasons for classes that are not grouped, where students deal with the same mix of skills and strengths which they will meet outside the classroom.

If a teacher wants to group by ability, students have to be tested individually and measured by an objective standard without regard to sex. They should be tested for each sport in which they are to be grouped by ability. Obviously, their skills will vary in different sports.

Since there are very good and very bad athletes among both girls and boys, this kind of testing should not lead to sex segregated groups.

If any single standard for measuring skill and progress constantly causes members of one sex to lose out, that standard cannot be used; alternative standards have to be developed.

Review Points:

- Talk to the principals, physical education teachers and students at local schools and find out what sex integrated means to each of them.
- Try to visit as many physical education classes as you can, for as many periods as you can. Ask the principal or the physical education teacher if some of these visits can be unscheduled.
- Ask the physical education teachers how they test student ability. Do they review ability grouping in the course of the year?
- Ask the physical education teachers how they are handling team sports.
- Observe how much of the time the girls and boys work together. How much of the time are they separated?
- Talk to the students and get their picture of what is going on and what they would like their physical education classes to be like.

- How much of an atmosphere of the girls against the boys does there seem to be? What is the teacher doing about it?
- Do you hear comments such as "the girls are beating you" or "you play as good as a boy"?
- Are boys put down when they do not play as well as some girls?

Attitude

Some of the questions above tried to catch the attitudes and atmosphere in an integrated physical education class. Attitude is crucial to the successful outcome of integrated physical education, and is the result of many influences — the teacher, the students, the parents and the rest of the school staff.

Review Points:

- Ask the principal and physical education teachers just what the schools are doing to ensure successful coeducational classes.
- Ask the physical education teachers if there is a boys against girls attitude in the class. How do they handle it?
- Have they discussed it with their students?
- Have the physical education teachers and the principal discussed ways to prevent stereotyped attitudes in integrated classes?
- Have the physical education teachers had an opportunity to discuss attitudes with parents? Would the teachers or the parents like such an opportunity?

Curriculum Guides: Help or Hindrance?

Most school systems have curriculum guides for their teachers. These guides provide an outline of material to be covered in each course, and usually include suggestions on how to teach it. The guides are developed either by the state education department or the local school district to ensure that all students who take a course — even if it is taught by different teachers at different times — will cover the same basic information.

In physical education these guides have often been developed separately for boys' and girls' classes. If the guides are to continue to carry out their main purpose — to help the teacher — they should be updated to reflect the goals and needs of integrated physical education classes. Continued use of separate guides may also be a violation of Title IX.

Review Points:

- Ask for a copy of curriculum guides for all levels of physical education. Check to see if they suggest directly or indirectly that different activities are more appropriate for girls or for boys.
- If there are separate guides for boys and girls, ask when they will be replaced.
- If you are told that new guides will take a long time to develop, because it is a difficult task, ask if the district has sought help in preparing new material and devising new methods. (See enclosed section on Where to Look for Help.)

There are some specific school policies you will want to examine, whether your school already has coeducational physical education classes or is still preparing for them.

Graduation Requirements

Schools cannot set up different graduation requirements for girls and boys, either in length ("Boys must take three years of physical education and girls must take two years.") or in content ("Boys must learn the major team sports—football, basketball and baseball," while "Girls may take team sports such as volleyball, field hockey and softball, or physical training activities such as slimnastics, gymnastics and modern dance.").

Requirements must be the same for all students.

Review Points:

- Check student and faculty handbooks for graduation requirements.
- Check at the district office for the official policy.
- If the requirements for girls and boys are different, ask when they will be changed. How will the change be publicized?

Physical Education Staff

No new staff arrangements under Title IX can perpetuate or introduce discrimination by sex among faculty.

For example, physical education teachers have to be assigned to classes on the basis of their qualifications rather than their sex. The one exception is locker room duty. Their offices have to be comparable and have to be accessible to students of both sexes.

Some schools have introduced male-female team teaching for integrated physical education classes. In some situations, it has provided a good way to share skills and a good model of collaboration between men and women.

Review Points:

- Compare the offices of male and female physical education teachers. Are they comparable in size, comfort and location?
- Are physical education teachers being assigned without regard to sex?

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Perspective

High school vocational education programs typically are thought of as training youngsters for jobs which they can hope to enter upon graduation. The word "vocational" would seem to imply a course of study which educates a student to take up a vocation. However, the vocational education legislation states that vocational programs can be either gainful — preparing for entry into an occupation — or non-gainful — not designed to train for a job.

Nearly half of all the girls now enrolled in vocational education are enrolled in consumer and homemaking courses which do not prepare them for employment. Moreover, the courses of study which do train for employment — and in which girls predominate -- offer training in only 33 different occupations. In contrast, courses of study in which boys predominate offer training for paid employment in 95 different occupations.

When girls do enroll in programs leading to paid employment, it is most often in areas such as office education or health services which offer relatively poor pay and relatively poor prospects for advancement.

Many girls limit their own opportunities because they and their parents often approach vocational education with a narrow vision of what is appropriate, and many schools have reinforced these notions with their own discriminatory policies. Schools have barred girls from certain courses of study outright and guided them away from other traditionally male fields through recruitment, admission, and counseling practices which discouraged girls' enrollment when it did not directly forbid it.

The major issue in vocational education is whether girls are going to be as capable of supporting themselves as boys with the same level of education. If this is to be accomplished, a lot of past practices need to be changed.

Under Title IX, vocational schools and programs must end all sex dixcriminatory policies or practices which have kept girls from pursuing any course of study offered by any public vocational education program.

If a vocational education program exists in your school district, it will be located in one or more of the following settings:

1. Prevocational Programs are usually in junior high schools. These programs are not designed as job preparation, but as opportunities for introductory exploration of tools and equipment used in areas such as industrial arts, clerical work and home economics. These programs are treated as vocational education in Federal legislation.

2. Comprehensive High School Vocational Education Programs are contained within the same building as the regular high school. There are about 18,000 of these programs which aim to prepare students for entry level employment or for more advanced training. These programs can either be small or quite extensive.

3. Area Vocational Education Schools (AVES) are housed separately from the comprehensive high school. AVES are a way of pooling resources for expensive and complex equipment which will be used by students from several different high schools and sometimes from several different counties. Sometimes these schools offer post-secondary programs as well as classes for high school students. Almost all of the approximately 2,500 AVES enroll high school students for a half day of specialized training, and the student takes the remaining high school requirements at the regular high school.

The head of an AVES is usually called a director and the line of authority can run to the district superintendent, the same as a high school principal, or to a separate vocational education board. Some AVES are state vocational schools and come directly under the state director of vocational education.

4. Community and Junior College Vocational Education Programs also enroll high school students on a half-day basis for training in specialized work, returning the student to the high school for the remaining graduation requirements. Responsibility for these programs would ultimately rest with the president of the institution.

All of the material which follows on Title IX compliance for vocational programs applies to vocational education no matter what its setting. The most important thing to remember is that if your school district either provides vocational exploration and training itself, or sends students to other institutions for training, it is the school district which is responsible under Title IX for ensuring that its students are not treated in a discriminatory manner.

Vocational education receives particularly heavy Federal funding. The new vocational education legislation of 1976 offers significant help in ending sex discrimination, but much will depend on citizen concern. After you find out where your schools are right now, you will find information at the end of this section of ways the new legislation can help your school district deal with problems you may discover during your review.

Highlights

Vocational Education: What Does It Mean In Your School?

Every school district will have its own version of vocational education. This section will be set out in generalized terms so that you can fit the review to the vocational education program offered by your school district. For example, counting numbers for your district may mean counting at prevocational, high school, Area Vocational Education School, the community college or some combination of all four. The examples given of courses and titles may not precisely fit your district but perhaps the examples will suggest types of programs and titles to look for. This is meant to be a pattern which you can cut to fit your needs.

Who's In Charge?

If your district makes a major effort in the area of vocational education, most likely there will be a person who is in overall charge of the programs. The title may refer to vocational education or career preparation. This is a person you will want to contact.

Counting: More Than Meets the Eye Needs to be Counted

Many people think of vocational education as a program primarily for boys and are surprised to learn that, nation-wide, girls make up more than half of the vocational students.

That means that only asking how many girls and boys are in vocational education in your district may turn up a balanced number. Even requesting figures on a program by program basis may not be enough. Trades and Industries, which sounds very traditionally male, may show a surprising number of girls. Under the overall category Trades and Industries you may find most of the girls enrolled in cosmetology or commercial art and very few in business machines maintenance, drafting, or diesel mechanics. You may be surprised at the number of boys enrolled in occupational home economics (which trains for gainful employment). Go a little further and see how many boys are in training for, say, nursery assistants in the care and guidance of children class and how many are learning building and repair in the home furnishing and equipment services.

Review Points:

- Call the central office and get the name and telephone number of the person who is in charge of vocational education for the school district.
- Find out from that person, or from the district office, where you can get a list of:
  - junior high schools that offer prevocational programs,
  - high schools that offer vocational programs,
  - area vocational education schools and community colleges that serve the district's secondary students.
- Call the appropriate schools and find out what is taught in each school. They probably have brochures they can send you on vocational education.
- When you get a list of programs, and courses offered under those programs, find out who can give you a count of students by sex:
  - in vocational education overall;
  - in the prevocational programs;
  - in each program and each class within the program.
- These numbers will be useful to you in determining where stereotyping appears to be the most prevalent and will serve as the starting point from which to build change.

Promotional Materials

If the numbers you find in vocational education classes and programs are very out of balance, you probably will want to talk to the supervisors, the principals, the teachers, counselors and students. Before you arrange for an interview, do a little homework.

Even after overt discrimination has been eliminated, some vocational education teachers and counselors will say that they still cannot persuade very many girls to take classes which previously have been all-male. It isn't always easy to change girls' ideas on what vocational education offers them. But educators can try. What you want to find out is what kind of "try" is being made.

Vocational programs often have special promotional material for prospective students and their parents. This goes beyond course descriptions and tells about different occupations or about the benefits of vocational education in general.

This is key material because it may be the student's and the parents' first introduction to the possibilities offered by vocational education.

Obtain copies of the current materials on vocational education that were distributed to students this year. Read them over and make some notes.

Review Points:

- How is the student identified? As "her" in the information on secretarial or health care training and as "he" everywhere else?
- How many pictures of girls/boys, women/men can you count? Are they shown at traditional and nontraditional work?
- Ask the school if this material is sent to any particular group of students. One vocational school mailed recruitment information **only** to the parents of 9th grade boys.

Little Things Can Mean a Lot

Nationally it is becoming evident that more boys than girls are likely to enter a course of study that has been considered nontraditional for them in the past. If that trend is apparent in your school system, try to find out why the boys find it easier to expand their options.

Review Points:

- Are the boys getting more encouragement?
- Do girls need extra encouragement? Is it being provided? How?
- Have course names been changed so they will be equally attractive to boys and girls?

Booby Traps

Watch out for new courses that reinforce prejudices while seeming to expand options. Courses such as "Powder Puff Mechanics" or "Bachelor Cooking" do not suggest that girls and boys need to have the same learning experiences. Neither do they usually present the same material to boys and girls.

These courses are illegal under Title IX if they are intended for students of one sex, or if their names tend to attract students of just one sex.

Review Points:

- Check all course titles, for traditional sex discrimination and for new-fangled sex discrimination, such as "Carpentry for Girls."

Course Descriptions

Sometimes sex fair course titles are followed by discriminatory course descriptions that may discourage students of one sex. Compare these sentences:

"If you like to tinker with your car and are interested in learning more . . ."

or

"Basic auto mechanics will teach you how to check out the car you drive . . ."

The first description probably tends to discourage girls from enrolling by implying the class is for students who have already done a fair amount of tinkering with their cars. That's still most likely to be boys. The second sentence encourages all to enter who want to learn what to do.

If there are different levels of expertise among interested students, the school can certainly offer Auto Mechanics II. That is no reason to forego Auto Mechanics I.

Review Points:

- Ask the schools to send you their latest course descriptions and read them with a careful eye.
- Look at language and look for hidden messages. Try to think if the description actually encourages girls and boys to expand their options.

How Do Students Choose?

Whether girls are studying typing or television repair, it will probably be helpful to your review if you talk to them and find out how they decided to take up a particular course of study. Their perceptions can help you to understand how the vocational recruitment system works.

Some vocational programs accept recommendations from junior high counselors. Check carefully how this works. Even if there is no formal recommendation, the counselors can have informal influence on the student. Before you talk to counselors, you might want to review the enclosed Counseling Guide.

Review Points:

- Ask the students:

  Why are they taking home economics courses that do not prepare them for employment? Was it suggested or encouraged? What reasons were given? Were alternatives suggested?
- Are girls taking cosmetology as a self-help program or as a vocation? How do they expect to earn a living after graduation?
- Ask counselors at the junior high schools which feed into the high school vocational programs and the counselors in the vocational schools themselves:

  What do they see as the benefits — to girls and to boys — of certain courses such as non-gainful home economics, or cosmetology, or computer programming?
- How do they decide which girls or which boys should be encouraged for certain courses of study?
- Are they using tests to measure vocational ability and interest? Have these tests been reviewed for sex bias, as required by Title IX?

Classroom Activities

Let's assume that your school has been working on the problem of sex discrimination and a few girls have signed up for courses where girls were hardly even seen in the past. Signing up is just the first step.

Some girls who have signed up have not stayed with the course of study. Partly this is due to the imbalance of numbers. Girls feel alone and strange, and sometimes it's hard to stick with it. That is one reason it is important to get more girls in the classes so they don't feel so out of place.

But, in the meantime, those who have made the effort, and are the pioneers, need and deserve support.

Teacher Support

Most importantly they need teacher support, attention, and respect. They need teachers who believe that they are serious about the course of study.

One of the most difficult problems girls have reported is being treated by boys **and** teachers as if they were a joke. Even the most hardy can wither under systematic "jokes" which they are supposed to laugh at but which are really painful put downs.

Review Points:

- Try to get some insight into the classroom life of vocational courses in which most students are boys, with just a few girls. Talk to some of the students in different classes and to the teachers. Visit in the classrooms — more than once if you can.
- Do girls feel the teacher is as attentive to teaching girls as to teaching boys? Do they feel the teacher takes girls' efforts seriously?
- Are girls being over-protected? In handling equipment, for example?
- On the other hand:
  Are girls being under-protected when it comes to jokes, demeaning treatment and sexist put downs?

Outside Employers

Title IX requires the school to assure itself that any outside agencies, business organizations, or individuals with whom it cooperates do not discriminate against its students on the basis of sex.

This might be in cooperative education, work-study programs, apprenticeships or job placement. If the outside party refuses to give that assurance — or gives it but continues to discriminate — the school is required to end its cooperation.

This is a very important responsibility for vocational educators — and not only for legal reasons.

It encourages educators to find and support outside employment situations that offer nondiscriminatory apprenticeship training, or summer employment, or work/study opportunities to their students. It also lets students know that the school will offer its support and help to see that all students get a fair shake.

Review Points:

- Get in touch with the person who contacts employers for the vocational student or who receives and posts employment requests. Sometimes that person is called the job coordinator or job counselor. Sometimes teachers of specialized courses make job contacts for their students. Ask them how they get the required assurance from employers dealing with the school.

- If job placement or referral is handled at each school, speak to the school principal. Ask how his or her school satisfies itself that employers are complying with the law.
- If the district office has a special job coordinator, speak with that person.
- Do the schools have a form letter to send to employers requiring a commitment to hire without sex discrimination? Ask to see a copy. If they don't have a form, how do they handle assurances from employers?

The New Vocational Education Legislation

The Vocational Education Act of 1976, Title II of the Education Amendments of 1976, offers funding for vocational schools to end sex discrimination and sex stereotyping.

How It Can Help Title IX Compliance

Among other things, the law says that federal aid can be used for:

- Experimental, developmental, and pilot programs and projects to overcome sex bias and sex stereotyping.
- Developing curriculum and guidance material to enable teachers to help students enrolled in courses previously limited to members of the other sex.
- Counseling on nontraditional programs and employment.
- In-service training for vocational education teachers and other staff to learn how to overcome sex bias in vocational education.
- Encouraging the elimination of sex stereotyping in consumer and homemaking education through curriculum materials that are not sex biased.
- Developing and distributing curricula designed to overcome sex bias in vocational education.

These funds usually come to the state department of education in a lump sum, and local school districts then apply to the state for their share.

Review Points:

- Find out what your school district is doing to take advantage of these opportunities.

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The people responsible for producing this Guide are:

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Perspective

The influence of the school counselor on the lives of many students is probably broader and deeper than many people realize. This influence is both direct and indirect. The typical picture of the school counselor may be that of an adult who meets occasionally with students to counsel them on a one-to-one basis. In fact, counselors do much more than talk with students. They also schedule classes; select tests to measure student abilities, interests and achievements; interpret those tests to students; and provide direction for educational and vocational options. The counselor decides what material will be available in the school to guide career choices and educational choices. The counselor may be involved in job referrals and writing references.

National studies indicate that high school students feel that counselors are the most important in-school people in helping students decide what courses to take in high school. Beyond helping students decide, the counselors often have to decide for the students. Sometimes for students they hardly know. For example, when a particular class is getting filled up, the counselor may have to decide whether Mary or John "needs" the class which both of them want. If the counselor has stereotyped ideas about whether girls should take industrial arts, or really need advanced math, or are likely to pursue a career in chemistry, those underlying views may be a potent influence on which students get to take which courses, regardless of ability and interest.

The girl advised to take a home economics program which is called vocational but does not prepare her for paid employment, will have no job skills at the end of high school. The girl guided into "college entry" but away from advanced mathematics may find many doors closed to her. At the University of California at Berkeley, 92 percent of the freshmen women found that lack of advanced mathematics prevented them from entering 15 of Berkeley's 20 major fields of study. Across the board, when girls are steered away from math, they lose out on some of the best professional career opportunities and even on job opportunities that don't require college.

The Title IX Regulation devotes a separate section exclusively to the problems of sex discrimination in counseling and guidance. (See Section 86.36 of the Title IX Primer.) This is not because conselors are any more sex biased than other school people — teachers or administrators, for example — but because counselor practices and attitudes can have such lifelong consequences for students.

The pages which follow will highlight some of the ways schools should be reexamining their practices, materials and attitudes to assure themselves that they are in compliance with the requirements of Title IX. It will be your job to find out how effective this reexamination has been.

Highlights

Have the Schools Reviewed the Counseling Materials?

Title IX requires that schools review their counseling materials to see if those materials permit or require that students be treated differently on the basis of sex. Those which are sex biased should not be used with students.

Counseling materials will usually fall under two categories: the tests which assess a student's interests and abilities; and the general guidance materials such as pamphlets or books on occupations, careers, education, life plans and so on.

Tests

Many counselors use interest tests to explore the kinds of things a student enjoys doing. The idea is that these interests should be considered in making a career choice. The tests ask about activities which students have enjoyed or might enjoy. The problem is that presently the activities of boys and girls are often the result of social custom rather than innate ability or interests.

The issue of sex bias in career interest tests has received considerable attention recently. If you would like to get more information on this subject, write to the Education and Work Group, National Institute of Education (address on page two of the Resources section) for a free copy of **Sex Bias and Sex Fairness in Career Interest Measurement.**

Review Points:

- Find out at the district office if the schools are reviewing their counseling and testing materials for sex bias. Check how this has been implemented at your local schools.
- If the schools haven't undertaken a review, when are they going to do it? What standards will they use? Who will do it?
- If the review has been completed, ask to see the results of their findings. What tests and materials did the school determine to be free of sex bias?
- How did they reach this conclusion? Do you think the way they went about it was adequate?
- Take a look at the tests. What is your reaction to them? Do they seem biased?

Career Information

Counselors often have career and occupational information available in their office. These can be books, pamphlets, posters or flyers carrying information on different kinds of jobs and careers. Under Title IX, these counseling materials should not be used if they discriminate on the basis of sex.

Materials which show only female secretaries to male executives, only female lab assistants to male doctors, or only female telephone operators and male lineworkers, are making discriminatory assumptions which do not expand options.

Review Points:

- Visit the couselor's office and ask to look at the available materials. Do they suggest that certain jobs are only for one sex? What pronouns are used?
- How many pictures of girls and women can you count? How does this compare to the number of boys and men portrayed? What jobs do the girls and women hold? What are the men and boys doing?
- Do any of the materials speak directly to the changing roles of women and men in society?

The Counselor's Bulletin Board

If it exists, take a good look at the couselor's bulletin board outside the office.

This is an "outreach" for the counselor. It is a way of sending a message to anyone who passes by, whether that person visits the counselor or not. It also can provide information to the passerby as to what kind of assistance she or he could get from the counselor.

Review Points:

- Does the board show pictures of women working? At nontraditional jobs for women?
- Are there clippings posted of women and men at occupations that are unusual for their sex?
- Is it a "job center?" Does it contain information on job requests that have come into the counselor? Are these marked "for boys" or "for girls"? If so, that would be a violation of Title IX.

The Counselor and the Outside World

The counselor is often a contact point between the student and the outside world. Counselors typically handle calls for part-time or summer employment. They may sometimes help outside organizations select students for other purposes, such as awards or financial assistance.

Under Title IX, the counselor can no longer cooperate with an outside agency, organization or individual that wishes to discriminate against students on the basis of sex. What that boils down to is that if an employer is seeking a boy for summer employment, the counselor may not refer only one sex.

Title IX requires that the schools assure themselves that the outside employers with whom they deal will not discriminate on the basis of sex. If such assurance is not received, the school is required to end the cooperative arrangement with the employer.

Review Points:

- Make an appointment to visit the counselor at each school you are going to review. Find out how assurances required from outside employers are handled. Remember Title IX does not require that this assurance be in written form.
- Ask if the counselor keeps records of job placement by sex. If, in spite of assurances that they do not, it appears that certain organizations, businesses or individuals are discriminating against one sex or the other, and cannot satisfactorily explain this discrimination, has the school stopped dealing with them?
- The counselors may not have much knowledge about the assurance requirements. Your questions will raise their awareness of the issue and, as a long range goal, will encourage them to seek nondiscriminatory contacts for all their students.

The Counselors Themselves

Like most of us, much of what counselors do or don't do will depend on their attitude. Like most of us, counselors do not intend to discriminate against any group. And in fact, they may not. But **any** stereotyped attitudes on the counselor's part will affect a great many girls and boys in that school. See Section 86.7 in the Title IX Primer.

When you talk to the counselor, listen for clues to the counselor's attitudes. Listen for their underlying assumptions. For example, see if they make assumptions about how much a girl needs to earn or how long a girl is likely to work.

Review Points:

- If your district has a guidance supervisor, be sure to talk to that person. Ask whether any workshops have been held to sensitize counselors to the changing roles of men and women. If none have been held, you might want to mention **A Handbook for Workshops on Sex Equality in Education,** listed on page two of the Resources section.
- Ask what efforts they or their schools are making to expand the occupational horizons of students. Are the schools sponsoring career days with nontraditional role models? How many women speakers appeared at the last career day? What occupations did they represent? How many girls, and how many boys, attended the career day activities?
- Ask the counselors approximately how many boys and how many girls have met with them during the year — or during the last month — specifically to discuss long-range career plans. If there is an imbalance, why does the counselor think it has occurred?
- Does the counselor discuss how much one can hope to earn in a given occupation? How important is this in counseling boys? In counseling girls?
- Do those counselors working with young women about to enter the labor force provide information about employment rights? Anti-discrimination laws?
- Try to interview some students. Certainly speak to those you know personally. Counselors may be willing to suggest boys and girls with unusual career plans. You can ask these students what kinds of encouragement they have received. From whom? The school may be willing to arrange interviews with groups of seniors to discuss their plans and how they arrived at them.

For a counselor to be genuinely effective in counteracting stereotypes, the counselor will need to do more than simply not discriminate. An active attempt to expand options and opportunities is required. While Title IX does not require this kind of activity from the counselor, it is the kind of help most girls need to get past their own built-in stereotypes.

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Perspective

All schools participate in activities which are not tied to the curriculum but which nonetheless have a powerful impact on the education of students. Through its treatment of students, a school can very effectively "teach" each child what is expected, what is acceptable, and what the school thinks of her or him.

The message is delivered system-wide through the kinds of awards given to certain kinds of students, the kinds of clubs students are allowed to join, the way students are expected to dress and the way discipline is handled. Sometimes the message is reflected in the kind of cooperation a school gives to an outside organization which wishes to discriminate against certain of its students. In the classroom, teachers deliver their own messages about how they perceive girls and boys through the way they treat children in the day-to-day life of the classroom.

Recognizing the importance of this exercise of authority and influence over students, Title IX forbids discriminatory treatment of students on the basis of sex. This guide will highlight some areas you may want to explore to see how fairly your school treats its students.

As you review the issues raised in this section, you will probably find some people who feel these issues are unimportant or very peripheral to a sex fair education. Other people will feel they are central. In discussing this, it may help to underscore what psychology has been telling us for some time: children learn much about who they are by the way they are treated. If boys and girls are treated in ways that reinforce rigid sex roles, that message, over time, will constrict and circumscribe their own ideas of what it means to be a girl or a boy — and of what kind of people they can hope to be.

If a child is treated in a way that delivers subtle but consistent messages that she is less worthy and less important because of her sex, that message, over time, is likely to affect aspiration and achievement — and that is not peripheral to an effective education.

Classroom Practices: Girls vs. Boys

Teachers are beginning to find out that some of the most time-honored, accepted and "natural" ways they have treated girls and boys in their classrooms are now possible cause for parents to bring complaints against them under Title IX. The segregation of girls and boys in classroom-related activities is a violation of Title IX.

This has led to a reexamination of the whole practice of girls' lines and boys' lines, girls' jobs and boys' jobs, boys' games and girls' games.

The issue is broader than the specific mandates of this law. If girls and boys are told to line up on different sides of the room, use different parts of the playground or work on different kinds of projects, this has several unfortunate results. It teaches children that they should only work and play with certain other kinds of children. It encourages teachers to have different standards for students in the same classroom based on nothing more than sex. And it teaches children they should be certain kinds of people, based only on their sex.

Assignment of school tasks by sex can also be harmful. Why should a child's sex decide who works in the library, monitors the halls, serves the milk or runs the projector?

The separation into opposing teams, work assignments, play groups and lines has as devastating an effect on the relationships of girls and boys as it would if teachers routinely separated the blacks and the whites into opposing teams, work assignments, play groups and classroom lines. Imagine hearing "We are going to play the blacks against the whites this afternoon to see who's best."

Review Points:

- Observe the playground at recess and at lunch time. Are girls and boys being kept apart by the person on playground duty?
- Notice how the children return to school when the bell rings. Do they line up by sex?
- If you have permission to walk through a school building with glass doors on its classrooms, you can get a picture of how different teachers seat their students.
- If you get permission to observe in the classes, you may pick up the attitude and the language which suggests that little boys are "strong" and little girls should behave "like ladies." You could ask the teacher how the grade book is arranged. If it lists girls and boys separately, ask why. Does the teacher organize educational games, with the opposing teams being girls against the boys?
- Talk to the principal. It is at that level that policy concerning seating, lines, recess and games, gradebooks and assignments needs to be clearly articulated and enforced. Ask the principal what she or he is doing about the requirement to treat students equally.
- Be wary of a disclaimer that all students are treated the same. Observe with your own eyes. Talk to the students.

Discipline

It has often been the case that schools have set different punishments for girls and boys, even when the infraction of the rules was the same. For example, corporal punishment is sometimes used on boys and detention on girls. It is a violation of Title IX to punish differently for breaking the same rule.

The determination of what is a rule infraction, and what the punishment for those infractions will be, must be the same for both sexes.

Review Points:

Ask to see the discipline code for the district and for the school. Ask what is the most severe punishment used for a boy or for a girl.

Talk to the students. It may be that the school is saying one thing and doing quite another. It may require some questioning of students to get at who is being punished, for what, and how.

Are rules enforced equally? For example, you may find that behavior which is tolerated, if not condoned, in boys, such as vulgar language, is swiftly noticed and punished when displayed by girls.

Dress Codes

School dress codes, long a controversial issue, have continued to be a subject of discussion and negotiation under Title IX.

The mandate of Title IX is very broad: that students may not be subject to different rules of behavior on the basis of sex. In applying that mandate, HEW has said that it would allow reasonable differences in clothing rules for boys and girls, so long as the goals were the same — maintenance of order, modesty or cleanliness.

The issue of hair length, once settled, is now in a state of flux. In the past HEW has said that you could not have different rules for boys' and girls' hair length; that the rules, if any, had to be applied uniformly to both. However, as of October 1977, that position is under review.

If you want to pursue the problem of dress codes, you should probably check with your regional HEW office to find out about the most recent rulings. (A list of regional offices is at the end of the enclosed section, Strategies for Change; If Worse Comes to Worst.)

Review Points

Ask at the district office if there is a district-wide dress code.

Talk to principals of individual schools to see if the policy is being carried out or if the schools have policies of their own.

Awards Offered BY The School

Schools have often awarded separate prizes for academic or athletic excellence on the basis of sex: one for boys and sometimes one for girls.

Academic awards

Under Title IX, academic awards may not make **any** distinction between boys and girls. Awards must go to the top one or two students — whoever they may be. It is no longer possible, for example, to say that if the high school valedictorian is a girl, the salutorian shall be the highest ranking boy. It has to be the second ranking student — boy or girl.

Athletic awards

The criteria for individual athletic awards must make it possible for either sex to win. For example, the school award for outstanding athlete cannot be reserved for the person who scored the most touchdowns during the football season. Not if girls were not allowed to play football.

When athletic activities are legally separate and separate awards need to be given, they must be equal and non-discriminatory in every way — in the nature of the award, in the nature of the presentation, and in all the trappings which signify their importance in the school community.

For example, some schools still differentiate their awards by sex, by giving, say, a letter to a boy athlete and a pin to a girl athlete. Or perhaps excellence is recognized with a trophy for a boy and a certificate for a girl. These differences in awards would be considered discriminatory.

Also it is well to be aware of the hidden agenda in some of these awards. Giving a pin rather than the school letter to girls because "girls like jewelry" is a stereotype in itself. But most importantly, **not** giving the letter to a girl, for whatever reason, excludes her from striving for and winning the most prestigious athletic symbol a school has to offer. And that is discrimination on the basis of sex.

Award ceremonies are important methods of conferring status on students, and these must also be nondiscriminatory. It does not matter whether awards are dispensed in the principal's office, at an assembly, at a picnic or a banquet. They must be dispensed to both girls and boys in the same place, at the same time, and in the same manner. The traditional athletic banquet sponsored by some schools for their male athletes must now include female athletes, or it must be discontinued.

Review Points:

- Ask to see the school records on awards or check the school yearbooks for the past few years to see how awards were distributed.
- Make a list of the kinds of awards given out: trophies, letters, certificates, pins. Were the same awards given to girls as to boys?
- Ask how the awards are handed out. Ask if there are different ceremonies for academic awards and athletic awards and if girls and boys who are to receive awards attend the same ceremonies.

Awards Offered THROUGH the School

Many outside groups use school records and school facilities to identify and reward students for certain kinds of activities or behavior. Some groups give these awards only to boys. Others, only to girls. Under Title IX, the school cannot cooperate in such discriminatory awards.

If the outside group, such as a community organization, wishes to use school records (high grades, essays assigned in class) or school facilities (assemblies, class meetings) to select students and give an award, the contest must be open to both sexes. If it is not, the school cannot cooperate in providing names of candidates or in setting up an in-school award ceremony, or help in any other substantial way.

Review Points:

- Ask to see back lists of winners of various awards given by outside organizations. Note if some awards seem always to go to members of one sex. How does the school explain single-sex choices after 1975, when the Title IX Regulation took effect?
- Ask the principal or the counselor if they have notified these outside organizations about the requirements of Title IX.

Clubs

No club which is school sponsored can be limited to a single sex — the athletic club can't be, the pep club can't be.

Outside organizations which receive significant assistance from the school must also be nondiscriminatory, **unless** they meet very strict criteria set up by Title IX to exempt youth service organizations such as the Girl Scouts and Campfire Girls. In order to be exempt the sponsoring organization must:

be single sex,

be a voluntary youth service organization,

have a membership mostly under nineteen years of age, and

be tax exempt.

Review Points:

- Ask at each school office for a list of current clubs sponsored by the school or by outside organizations which use school facilities.
- Check both the stated policy and the actual membership of these clubs. If single-sex clubs exist, they must meet the criteria discussed above.
- Even if an outside organization has a club which meets the above criteria, you may want to talk to them about their policy. The Kiwanis, for example, sponsored Key Clubs which were single-sex (boys) and met the above criteria. Since the passage of Title IX, the Kiwanis decided in 1977 to permit entry into the Key Club by any student who met entrance criteria (other than sex). Find out what your local Kiwanis — or other clubs — are doing to conform to changes in national policy.

Many of these clubs provide leadership experiences which are important for both boys and girls.

Cooperation with Outside Organizations

Title IX requires schools to "assure" themselves that the outside agencies or individuals with whom the school cooperates to provide employment or training for their students do not discriminate on the basis of sex.

This is an important requirement which is discussed in the enclosed guides on Vocational Education and Counseling.

This guide has covered many different subjects which may seem to be unrelated. The relationship among them is less obvious than it would be if they were all in a single subject area, such as physical education. But the relationship is real and important. These are all ways in which the school expresses its attitude to girls and boys. Taken together, it gives a very good picture of how traditional expectations and subtle discrimination can influence a student's life.

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Perspective

Teenage pregnancy has reached epidemic proportions. More than one million teenagers become pregnant each year. Whatever the moral implications of those astounding statistics may be, we all need to be concerned that in teenage pregnancy, which involved two sexes to begin with, discrimination is most often directed against just one sex.

Pregnant young women lose out especially in educational opportunities. More than half of all female dropouts leave school because of pregnancy. Eighty percent of the young women who become pregnant for the first time at age 17 or younger **never** complete high school. The younger the teenager, the more likely she is to drop out if she becomes pregnant. And, obviously, the less education she is ever going to receive.

We know that teenage mothers are less likely than other mothers to be working and more likely to be receiving Aid To Dependent Children. Their critical lack of education certainly plays a part in this.

These are compelling reasons to make sure that the pregnant student's education not only continues, but is effective. Yet the schools' treatment of pregnant teenagers often has been discriminatory and rejecting. Pregnant students have been ridiculed and made to feel so unwelcome that they drop out. They have been barred from certain courses, made to satisfy special criteria, required to attend special schools and expelled outright.

Under Title IX, a pregnant student must be treated the same as any other student. **Any** discrimination because of pregnancy is a violation of Title IX. The school may not limit her, in any way, simply on the basis of her pregnancy. Absences or disabilities related to pregnancy must be treated the same as absences and disabilities from other causes.

The law requires equal and even-handed treatment. No pregnant student can be required to do anything differently from other students. But concern for these students and their future may call for something more. If a pregnant student is to cope with the enormous pressures of her situation, and continue her education, she needs to receive a great deal of active encouragement and support.

The following pages will suggest some of the review points you may want to check to make sure your schools are not practicing overt or covert discrimination against pregnant students.

Reference to Section 86.40 of the enclosed Title IX Primer will give the language of the regulation concerning this issue.

Highlights

Title IX mandates some radical changes in the way most school systems have traditionally treated the student who is pregnant. Unfortunately some school districts have obscured those changes by not telling students about their rights or not telling staff about their responsibilities.

The following points are key requirements which should be known to school personnel and to students through faculty and student handbooks and school district policy statements.

Under Title IX the pregnant student has the same rights and responsibilities as any other student. Solely because of pregnancy, she:

- may not be expelled from school;
- may not be required to attend a special school for pregnant students;
- may not be barred from any program, course (including physical education) or extracurricular activity (including competing for, or receiving, any award, honor or elective office);
- may not be required to take special courses in child care or related topics unless those courses are required of every other student in the school;
- may not be required to leave school at a certain time before the birth of the child or required to remain out of school for a certain length of time afterwards;
- may not be required to furnish notes from her physician that she is able to continue or reenter a course of study unless such notes are required of **all** students (e.g., to tell when they intend to leave for surgery; or, after an illness, to say that they are strong enough to return).

If there is an overall leave policy for students then it must apply to pregnant students as well. If there is no leave policy, then all aspects of pregnancy become a justification for leave so long as the student's physician deems it medically necessary. At the end of the leave, the student must be reinstated, on the same basis as other students, to the status she had when the leave began.

If your district has a special instruction program for "homebound" students, then those services must be made available to the pregnant student based on the same criteria as other students.

The Policy

These new requirements can be publicized through faculty and student handbooks and through special policy directives from the superintendent.

Review Points:

- Call the superintendent's office and find out if a policy paper has been issued on pregnant students. If it has, ask for a copy.
- Check the policy for completeness of explanation and tone. Does it make a positive effort to state reasons and means to help the pregnant student?
- Check the faculty and student handbook of every school you review to see if the rights of pregnant students are being spelled out adequately and affirmatively in the handbooks.

The People

Even if faculty and student handbooks make the pregnant student's rights perfectly clear, and even if policy directives have been issued, it is still quite likely that many school people will feel pregnant students should be out of the school. These attitudes contribute to the many pressures which will cause dropouts no matter what the policy. It will help your review if you can talk to some school people and get their perspective.

Talk to some students who are or were pregnant and get their views about how pregnant students are treated.

Review Points:

- Talk to the counselors, teachers, administrators:
  - Why do they think pregnant students drop out?
  - What efforts are made to keep the pregnant student in school? To bring her back if she drops out?
  - Have these efforts been successful?
- What is being done to improve the results? Talk to the students in school who are or were pregnant:
  - How are they being treated — by faculty and by students?
  - Have they been encouraged to remain in school?
  - What has been done to help make this possible?
  - Have they been barred from any activities?
  - Have they felt any pressures to leave school?
- If you can, find the dropouts. Other students will know who they are. They may be able to tell:
  - Why did they drop out?
  - Were there pressures from school? Direct? Subtle?
  - Did anyone at the school encourage them to stay in school?
  - Do they plan to return to school?

The Numbers

If your school district has statistics on pregnant students, it would be useful to include them with your survey on the treatment of pregnant students. The numbers are probably larger than the community realizes.

Keep in mind that even if the school does keep pregnancy records, the information may be incomplete. For example, "for the record" many girls give reasons other than their pregnancy as the reason for dropping out.

Official records, if they exist, are probably at the district office.

Review Points:

- How many pregnant students have been identified in the past year? If you can, make comparisons over several years. Local figures, like national figures, may be going up.
- How many pregnant students remained in school?
- How many interrupted their education and reentered to join their original class?
- How many have dropped out and not returned?

The Special School for Pregnant Students

Some school districts feel they have come a long way by allowing pregnant students to attend a special school for pregnant students rather than expelling the student altogether. These exist most often in large school districts. In its time, that certainly was a step forward. Now, however, placement in such a program can only come about as the **voluntary choice of the pregnant student herself.** She cannot be forced to enter such a school. She has a right to remain in the regular classroom if she wishes — no matter what counselors, teachers or administrators may feel.

Many districts, meaning well, have made the special school a holding operation where students are required to take courses in child care and related home and family courses. While these courses may prove useful, they cannot be equated with, or substituted for, the education which leads to a vocation or further education. And such courses **cannot** be required unless they are required of every student in the district.

Title IX requires that the special schools be comparable to the regular programs. Comparability makes it possible for the pregnant student to pick up her work in regular classes when she returns.

Because the student population of the special school is likely to be relatively small, yet cover a wide age range, it may be difficult to maintain a program appropriate to the age and grade level of each individual pregnant student.

Review Points:

- Draw up a list of the requirements and electives offered in the sixth through the twelfth grade of the regular program. How close does the special school come to offering comparable instruction?
- What courses are being studied at the special school? Are any of them required only for pregnant students?

Transportation

If bus services are provided for students in your district for any reason to get them to and from their school, then such services must be provided to the pregnant student attending the special school if access to that school depends on public transportation.

Review Points:

- Ask at the school about transportation of girls who live beyond walking distance.
- If there is no transportation, inquire at the district office to find out why this service is not being provided.

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Review Guides:

Opening the Doors
Athletics
Physical Education
Vocational Education
Counseling
Rules and Customs
The Pregnant Student
Employment
Grievance Procedures

Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias In Your Schools

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Perspective

School employment policies affect the welfare of school employees, the power structure of the school system and the human environment in which our children are educated. For all these reasons, we need to make sure that the school district, as employer, does not discriminate on the basis of sex.

It may be helpful to start with the reality of women's opportunities in education. This is what's really happening to women in what has long been thought of as a "woman's field."

Elementary school teachers	**1940**	**89%**	**women**
	1974	**84%**	**women**
Secondary school teachers	**1940**	**58%**	**women**
	1974	**47%**	**women**
Elementary school principals	**1928**	**55%**	**women**
	1974	**20%**	**women**
Secondary school principals	**1971**	**3%**	**women**
	1973	**1.4%**	**women**

Of 13,000 superintendents of schools in this country, 65 are women. How does it happen that the profession which is the primary employer of America's professional women can only find room at the top for 65 women?

Title IX provisions on employment cover everyone employed by the school system and cover much more than who gets hired.

Title IX prohibits discrimination on the basis of sex against any school employee. That includes administrators, teachers, maintenance staff, librarians, counselors, cafeteria workers, supervisory personnel, clerical workers and para-professional aides. Coverage extends to part-time as well as full-time employees.

Title IX forbids discrimination in recruitment practices and the referral systems that may precede employment, as well as the criteria for deciding who gets the job. After a person is hired, Title IX protects her or him from sex discrimination in salary scales, promotion procedures, health insurance benefits, maternity leave policy, and allocation of leave time or financial support for training programs to enhance professional competence. And Title IX also provides that school contributions to fringe benefit plans be equal for women and men or that benefits be equal for women and men.

If this seems like a lot of ground to cover, remember that it is possible to break it down into manageable sections or steps. After you read the following material you might want to review the official policy — or possible lack of policy — in a specific area such as recruitment, training programs, or job descriptions. Perhaps you will want to find out about the maternity leave policy, or compare who gets paid, and how much, for being in charge of various extracurricular activities. Or get a copy of the pension plan and check its provisions for women and men.

In addition to the ways you may help women who work in your school system, there will also be long-range benefits to female students. Girls spend 12 highly impressionable years in institutions where they seldom see women as role models who exercise direct leadership and authority with other **adults.** Your efforts can do much to begin to expand those limited horizons for the teachers and for their students.

Highlights

Discrimination by Explicit Policy

Does your school district still classify some jobs as **for** men and others **for** women? Are there titles like "Dean of Girls" or "Boys' Counselor"? What about "Girls' Coach" or "Boys' P.E. Instructor"? Does your school have "Maintenance Men" and "Cleaning Women"? Use of any of these names as a job title is a violation of Title IX.

Perhaps your school has already gotten rid of these discriminatory titles. It still would be a good idea to check out actual practices.

Differences in titles often have implications beyond simple language discrimination. Different titles can put people on different pay scales and promotion ladders, even though the work they do is essentially the same. Maintenance men are often paid more than cleaning women and may be on a promotion ladder that leads to the supervisory position of building engineer. The boys' counselor or coach may end up as principal because the school board and the parents believe that prior experience working with boys is important in maintaining discipline in a school.

BONA FIDE Occupational Qualifications

Requiring that a person be of a certain sex in order to qualify for a certain job, that is, making a person's sex a "**bona fide** occupational qualification," is almost never allowed under equal employment laws.

For example, a locker room attendant, who has to be in the room at the same time the girls and the boys are in their locker rooms, may be required to be the same sex as the students using the room. However, the person who **cleans** the locker room or washroom need not be a member of the same sex, as anyone who has ever stayed out of a washroom when the door was propped open for cleaning can testify.

Review Points:

- Ask about job titles and ask to see a list of positions, both professional and support staff.
- Call the Building and Grounds office — or whatever office is in charge of maintenance staff. Ask about titles and promotion lines for their employees.

Where Are the Women Employed?

It is also important to get a picture of where women and men are actually employed.

As recipients of Federal financial assistance, school districts are required to keep certain employment records by sex. These figures will provide some indication of the placement of women in your school system.

When you look at employment records, be wary of broad job categories which catch too much in their net to be very useful for investigating sex discrimination.

For example, lumping all supervisory personnel under "Administration" might allow the district to say that 50 percent of its administrators were women and 50 percent were men. However a close look might reveal that the male 50 percent are the top administrators and include the superintendent, all the principals, most of the assistant principals and key central office personnel. The female 50 percent may turn out to start at the other end of the administration career ladder and rarely make it to the top. You will want to ascertain the facts in your school district.

Review Points:

- Ask at the central office for a copy of the forms on employment filled out for HEW's National Center for Education Statistics or Office for Civil Rights. If necessary, find out where you can look over the forms, if they can't be mailed to you. There is no reason why a citizen should not be able to review the collected data—you are not asking for names but for numbers.
- The information you want to look for might include:
  - How many women and men are are employed by the district?
  - What are the job categories listed?
  - What percentage of each sex is in each category?
  - Is the category "Administrator" further subdivided?
- Call the local schools, if necessary, to find out how many principals and assistant principals are women.
- You might want to get the names of all major department heads in the central office, just to see how many women hold top jobs.

Remember, Title IX does not require that women or men be given any particular job. It does require that they be given equal opportunity to **get** the jobs.

The Hiring Process

To change discriminatory hiring patterns—women in certain kinds of jobs and men in certain other kinds of jobs—it will be very important to change the hiring process.

A superintendent may tell you that in the last five years only men have been hired as principals or in high-level central office positions because "only men applied." That may be the literal truth.

What you want to explore is what the superintendent did—and is doing—to encourage more women to become applicants, and to ensure them fair consideration when they apply.

For discrimination in hiring to occur, it is not necessary to hang out signs saying "No Females Need Apply." If job openings are not widely advertised, if the wording does not encourage everyone to apply, if everyone "knows" from long experience that only men get certain kinds of jobs, women are unlikely to apply.

Review Points:

- Ask the superintendent's office and the personnel office (if there is one)—**and** the secretaries at the local schools—if memos indicating job openings in the system are routinely circulated to all school employees and posted prominently on all bulletin boards. Ask to see the back copies of such memos for the past year.
- Ask if job openings are announced in staff meetings or routinely publicized, well in advance, through internal publications. Where appropriate, ask to see copies of all printed material.
- Talk to the person in charge of the maintenance staff. How do they circulate memos for job opportunities?

Criteria and Job Descriptions

Suppose that in your district, job openings are always widely advertised, giving everyone an opportunity to apply. The district may still be in violation of Title IX if the criteria for selection discriminate on the basis of sex.

For example, suppose a job description for a principal requires prior experience as a football coach, because it is believed that this will help the incoming principal maintain discipline in the school.

As another example, suppose the job description said the applicant would be judged on demonstrated administrative experience as an assistant principal. (An overwhelming percentage of assistant principals are male.)

Both of the above criteria could be violations of Title IX. Job criteria which are not relevant to job performance, or which discriminate disproportionately against members of one sex, are a violation of Title IX.

Review Points:

- Ask at the superintendent's office or the personnel office for a copy of the job description for every job in the school system, together with criteria for selection. As you read them, make some judgment on how accurate the job descriptions are and whether the criteria are relevant to the job.
- Note if there are jobs which do not have written job descriptions and criteria for selection. In the absence of job description and criteria, ask how it is determined which person is to be hired. Note carefully the answer to that question with regard to who makes the decision and on what basis. Does it meet Title IX requirements?
- Check faculty handbooks to see if anything is said about how people who work in the system can find out about upcoming job openings, and what to do if they are interested in applying.
- Find out who is in charge of hiring nonprofessional staff. Ask to see those job descriptions and criteria as well.

Treatment of Employees

Many school districts have, in whole or in part, two separate employment progression lines for women and men.

For example, female teachers often have had lower entry-level salaries than men with the same qualifications entering at the same time. Even with raises over time, the women never catch up.

Women in administrative positions are often startled to learn that they not only earn less than male administrators at the same level, but less than the male assistants whom they are training.

Another practice leading to lower women's salaries is the use of different job titles, even when men and women are doing the same work. Women who clean the school do essentially the same work as the men who are janitors, but the difference in title has almost always been used to pay women less. Further, the man may be in a promotion line which leads to head custodian and building engineer. The promotion line for cleaning woman leads nowhere.

Supplementals

A supplemental salary is a salary provided for teachers and others who work with students in after-school clubs and activities.

Supplementals can be discriminatory in at least two ways: (1) who gets certain jobs in the first place. For example, is it always assumed that the person in charge of the after-school basketball clinic has to be male? (2) how much they

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get paid. Are the supplemental salaries the same for comparable kinds of work? Does the teacher who serves as advisor to the poetry club for two hours a week after school get paid as much as the advisor to the science club which meets two hours a week? Do both of them get paid less than the person who handles the basketball clinic for two hours a week?

If more than one person wants a particular after-school job, how does the principal decide who will get it?

Review Points

- Check the superintendent's office for policy on selection and payment of personnel who receive supplemental salary for extra activities. Ask how they ensure that the policy is carried out on a school by school basis.
- Are all supplements paid on the basis of time spent in the activity? If that is not the criterion, what is? Whatever it is, check local schools to see if it is uniformly applied in every school.
- At each school that you review, ask for a list of extracurricular activities and the names of their faculty sponsors. Talk to these people and find out how they feel about what they are being paid.

Fringe Benefits

Fringe benefits refer to benefits which come to an employee in addition to salary. Benefits might include insurance for medical, hospital or accident needs, retirement benefits, leave plans, and so on.

Women are often discriminated against in the application of one or more of these benefits.

Under Title IX, pension and retirement plans must provide either for equal periodic benefits for each sex or for equal contributions by the school district for members of each sex.

This provision maintains the existing status quo, under which women either pay higher premiums in order to collect equal benefits, or pay the same premium as men and get lower benefits.

Pension plans for elementary and secondary school teachers are frequently handled in collective bargaining. There are also other Federal laws which cover sex fair pension plans, particularly Title VII of the Civil Rights Act of 1964.

It is a violation of Title IX to establish different retirement ages for men and women. This applies to compulsory or optional retirement.

If your school system administers, operates, or participates in a pension or retirement plan which discriminates, Title IX requires that they end their contractual arrangements with any organization which provides discriminatory plans on the basis of sex.

Review Points:

- The personnel office will have copies of medical plans, retirement schedules and so on. Ask them to send you copies.
- Check for any variation on the basis of sex. Any benefits which are different for one sex should be checked against the Title IX requirements.
- You may want to ask the personnel officer if all plans and benefits have been reviewed for compliance with Title IX. Ask if any discrepancies were found. If there were any ask what has been done about them.

Marital and Parental Status

It wasn't that long ago that female teachers who got married, got fired. Under Title IX, any employment decisions on the part of the employer which are based on marital status, family status, or whether the applicant is or is not the head of a family or the principal wage earner, would be a violation of Title IX.

Pregnancy

Under Title IX, pregnancy must be treated as any other temporary disability and people who are pregnant cannot be discriminated against either as applicants for a position, or after they are employed.

Pregnant employees cannot be required to leave school a certain time before the birth of the child, nor required to stay out of school a certain time afterwards. A teacher could leave her job the day the child was born and return the next day if she felt so inclined. On the other hand, if she chooses to use her sick leave for maternity leave, she may do so.*

If the school system has no leave policy, or if the employee has not accrued sufficient time under the policy, then pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery are all justification for leave of absence without pay for a reasonable length of time.

When an employee returns to her job after a pregnancy-related leave, she must be given the job she held when the leave began, or a job of comparable status with no decrease in salary, loss of promotional opportunities or loss of any other rights and privileges she has as an employee of the school system.

Employees who are pregnant, or have just completed a pregnancy, cannot be required to bring a statement from their doctor saying they are able to perform their duties UNLESS the school system requires all employees with temporary disabilities to bring such notes. Elementary school may still be the most sensitive place for teachers who are pregnant. Teachers can be made to feel so uncomfortable that they leave even when the law says they don't have to.

Review Points:

- Check the faculty handbook for clearly stated policy on marital or parental status, maternity leave or leave connected with any aspect of pregnancy. If the policy is not in the handbooks, call the superintendent's office and ask how the policy is made known to employees.
- Talk to some elementary and secondary teachers who are or were pregnant. Get their perspective on their treatment. Find out if they knew about their rights under Title IX. Were they returned to the same job — at the same pay?
- Talk to the principals and get their perspective on pregnant teachers. Don't forget your notebook.

Training Programs

Financial assistance in the form of released time, paid leave, travel funds, or tuition assistance for professional development is a powerful help to those trying to improve their professional status and qualifications. Promotion and hiring decisions are often influenced by indications of professional commitment and training.

*A 1977 court decision in the Eastern District of Michigan found that school districts do not have to let employees use accrued sick leave for child birth or other pregnancy-related disabilities. HEW, however, has announced that outside the jurisdiction of the Eastern Michigan U.S. District Court, HEW will process Title IX complaints "as usual" and will not alter their procedures in any way.

You may find some discriminatory notions afloat in this area. Some people give permission or recommendations for training based on a personal bias that women are not serious about careers and don't need training for advancement.

Title IX requires that decisions on who will get the school's permission for leave and/or financial aid for training, professional meetings, conferences, or apprenticeships, or any other staff development activities, must not be made on the basis of sex.

Review Points:

Check the faculty handbook for information on how to get permission for leave or financial aid for professional development. If a supervisor bars an employee from such training, does the handbook tell how to take the question to a higher level?

If the district provides in-service training programs, particularly those having to do with management or administrative training, ask for a breakout by sex of those who attended, how the course was advertised, and who decided who would be allowed to attend.

Talking to the People Concerned

Make it a point, on each subject, to talk to the women who work in various jobs in the system. Their perspective will be really important for learning how policies are carried out, what hasn't been done, and what needs to be done. These women may also provide you with additional ideas on where to look for employment discrimination.

Review Points:

Talk to the employees and to those who make the decisions on hiring and promotion. Compare the two perspectives.

How do people find out about opportunities for higher level jobs or jobs on the same level, but in a different place or with a different emphasis? How do they feel they have been treated with regard to supplemental salary opportunities, training opportunities?

How do the employers — perhaps the principals, the superintendent, or other administrative staff — make sure that everyone knows about every job opening? How do they make decisions on who should get the job?

Are either the employees or the employers aware of anyone who felt they had not had a fair opportunity? Was anything done about it? If nothing was done, ask why not.

Keep track of any comments about fear of reprisals or harassment.

Relationship with Outside Organizations

Remember that your school system cannot, under Title IX, allow outside agencies to discriminate against its employees and students. This means they must review their contractual or informal arrangements with employment agencies, labor unions, professional organizations, or organizations providing or administering fringe benefits.

Review Points:

- Ask at the superintendent's office if all of the above groups that the schools deal with have been notified, as they are required to be, that the school does not discriminate on the basis of sex.
- Ask if all contractual and informal arrangements have been reviewed. By whom? What was the outcome?

Collective Bargaining Agreements

If your school district has a collective bargaining agreement for any or all of its employees, sooner or later you will be referred to it for information on treatment of employees.

The union contract may be a useful document to you because it probably sets out a lot of information about how the schools are supposed to treat their employees. There may be more than one contract. For example, there may be an agreement affecting teachers and counselors, another for administrative staff, one for custodians and building engineers, and one for cafeteria workers.

Once more, remember that the school system cannot avoid responsibility by saying that the contract "requires" them to do such and such. The school system is responsible. If the contract does not meet Title IX requirements, the school system is in violation of Title IX.

On the other hand, the best contract, quite fair and nondiscriminatory in its requirements for employees regardless of sex, doesn't necessarily mean that everything is fine. It means you still need to find out if fair treatment is really being carried out.

Collective bargaining agreements are usually printed up and readily available from the superintendent or from the personnel department for new employees. You should have no trouble getting copies.

Review Point:

- Check what the agreement says against the material in this guide for compliance with Title IX.

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Perspective

Under Title IX, school districts are required to establish and publicize clearly defined steps by which employees and students can make a formal presentation about, and seek relief from, a sex discrimination problem caused by school policies or practices. This is called a grievance procedure and the person seeking relief is called the grievant or the complainant.

HEW required schools to set up grievance procedures under Title IX in the hope that clear, fair and timely procedures which are free of reprisals will clear away many complaints and lessen the need for action by HEW. Internal grievance procedures provide the school system with an opportunity to resolve individual problems, to become aware of violations and to bring itself into compliance.

Although the schools **are** required to set up a grievance procedure for problems of sex discrimination, students and employees are **not** required to use it. A person who feels she or he has been discriminated against by the school system has several options to exercise, separately or all together. That person can bring a Title IX complaint directly to HEW by writing a letter to HEW without ever using the school procedures, or can complain to HEW at the same time as the school procedures are being used. Or, if the grievant has chosen to start with the school procedures, she or he still can go to HEW with the complaint at a later date. (See Strategies for Change; If Worse Comes to Worst.)

Title IX Regulation requires only that school grievance procedures for problems of sex discrimination be (1) prompt, (2) equitable and (3) published. Each school district has to set up its own procedures.

It is really in the school's self-interest to set up a good grievance procedure that delivers fair results. The school needs to be particularly careful because often it will be both judge and party to the complaint. The problem of judgments about school practices being made **within** the school system is a real one. However, careful attention to the fairness of each step can produce a useful and equitable method for settling disputes. The effort involved will help the school system to solve its own problems. A good grievance procedure for problems of sex discrimination can save a school system a lot of grief.

Highlights

What Is Covered?

The establishment of grievance procedures for students and employees who think they've been subject to sex discrimination was one of the first steps Title IX required schools to take. Procedures and time limits for filing a grievance, and for responding to grievances, are supposed to have been developed and well publicized to all employees, students and parents.

Each school district has to work out its own procedures that conform to the general principles of promptness and equity required by HEW. In general, the procedures should provide for impartial decision makers, for a right of appeal and for precise time limits which can be waived by mutual consent. As a minimum the grievant needs to be provided with access to relevant records, adequate procedures for presenting her or his case, and protection from harassment. The person making the complaint should be given the opportunity to decide if the proceedings and the record are to be kept confidential.

Review Points:

- Ask the district headquarters office to send you a copy of the grievance procedures for students or employees who believe they have been subject to sex discrimination.
- See if the procedures state clearly who may bring a grievance. It may never dawn on students that these procedures are for them as well as employees.
- Does the procedure state what issues are covered? This may be particularly important because many students and employees don't know what their rights are under Title IX.
- Are specific time limits given for each step?
- Does the procedure specify who will decide each step of a grievance?
- Are rules established for conducting hearings? Do they seem fair?
- Is there an appeal?
- Are students and employees protected from harassment after filing a grievance? How?

Who Knows About It?

Title IX Regulations require that grievance procedures not only be adopted, but that they be published. As a matter of practicality, students and employees need to know that they have a right to file a grievance. Information about their rights should be readily available to them.

Review Points:

- See if your local school has copies of the grievance procedures relating to sex discrimination.
- Check some faculty and student handbooks to see if the procedures are outlined, or if information is given on where copies can be obtained.
- Ask how parents and students have been informed. It is not reasonable to expect minors to have the courage or understanding to institute quasi-legal proceedings by themselves.

These are just some of the considerations which should be reflected in your school district's procedures. If your school district has not yet established procedures, or if you have questions about the sufficiency or fairness of their published grievance procedures, you may wish to write for **Title IX Grievance Procedures: An Introductory Manual.** This provides detailed step-by-step methods and guidelines for setting up a grievance procedure; information on ordering is on page five of the Resources section.

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Where to Look for Help

Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias In Your Schools

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Before you have gone very far in the review process, someone is likely to tell you that the schools want to do the right thing, but it's harder than you realize. For instance, they may say: Good sex fair materials are hard to find. It would take a long time for the district to develop its own materials. Some staff have stereotyped attitudes that make change difficult. Parents or students are opposed to required changes. And so on. The school people may be right.

But they may not know how much help is available to them. Or that most of it is free. Whether or not they seek this help may determine whether or not your school district is able to comply fully with Title IX. So it is important for you to know about it and make sure your school district knows about it. Many districts do not yet realize how much help they can get.

What Kind of Help?

Did you know that your school district may be able to receive FREE technical assistance for:

- workshops on attitude and behavior change;
- state or local conferences on Title IX;
- help with techniques for the teachers of previously single-sex classes, such as physical education or vocational education;
- whatever kinds of help a school district feels it needs to comply effectively with Title IX.

Most important, does the Title IX coordinator know about it? Does the supervisor with the problem to solve know about it?

Most of the available help cannot be requested by private citizens. It must be requested by the Local Education Agency (your district school system) or the State Education Agency (your state department of education).

For this purpose, the Title IX coordinator is a key person whom you want to encourage and support in this effort. Bringing such help into the school district would, after all, be to the credit of the Title IX coordinator and to the advantage of the school system.

Where Does It Come From?

Your school district can get help in eliminating sex discrimination through HEW's Equal Educational Opportunity Program. The program was set up under Title IV of the Civil Rights Act of 1964, to help school districts with adjustments to racial desegregation. Many people still may not know that Title IV now offers help in implementing the sex fair programs required by Title IX.

Title IV programs of the Equal Educational Opportunity Program have nothing to do with enforcement. Participation is entirely voluntary. School districts get this help only if they ask for it.

General Assistance Centers

Title IV assistance can come in several forms. Most of the funds support special projects — in state education departments, universities, or special centers — which offer training and technical assistance to school districts in their area. There are 27 regional General Assistance Centers, housed in institutions of higher education. Their personnel can help school districts if they are invited. They do need to have a written commitment from the school district that the district would like to use their services.

Many General Assistance Centers offer help to school districts in more than one state and for more than one kind of discrimination. They work generally to eliminate sex, race and bilingual discrimination in the nation's public schools. You will find a list of all 27 General Assistance Centers at the end of this section.

Sex Discrimination Training Institutes

Title IV money is also supporting several university-based "training institutes" to train school people to identify and end discrimination based on sex. These institutes deal exclusively with sex discrimination. They usually work intensively with one school district, or a very small number of school districts, in their immediate area. Their programs often involve a summer institute and follow-up programs through the year. You will also find a list of these training institutes at the end of the section.

If your school district is not receiving any of this help, and you think they need it, talk to your Title IX coordinator about it. Talk to some school board members about it. Perhaps make an appointment to talk to the superintendent. Remember that the request must come officially from the school system.

State Education Agencies

Your state department of education can also request funds under Title IV to help end sex discrimination. Contact them to find out what they are doing. Are they applying for Federal funds and is your school district going to be part of the program? If the state has the funds, and your school district isn't using the state's help, the next step is obvious: Back to your Title IX coordinator and school board to find out why.

Local School Districts

Title IV does grant some money each year directly to school districts for hiring experts to help them with discrimination problems, including sex discrimination. School districts can apply directly to the U.S. Office of Education for this money.

U.S. Office of Education

Your school district always has to be the one to apply for school funds from other agencies. But sometimes a creative citizen can help by making suggestions.

The U.S. Office of Education, for example, had over $7-billion to support education nationwide in 1976. That is a lot of money, and it goes out in grants and contracts under a lot of different programs, each with its own special purpose.

The Office of Education puts out an excellent short pamphlet in chart form which tells what kind of assistance programs they fund, who may apply and where to apply. You can obtain a free copy of **Guide to OE Administered Programs** from the Public Information Office, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20?02.

Many imaginative people have found different ways to obtain Federal money to help end sex discrimination. This can sometimes be done even if the programs do not explicitly deal with sex discrimination.

Many programs designed to strengthen some aspect of education would benefit by improving the impact of the program on girls and women. Similarly, many training programs would be strengthened by including techniques for sensitizing educators to the special needs of girls and women. Such techniques would help the educators in dealing with everyday problems on the job.

Women's Organizations

There are some sources of help where you can make the initial contact yourself.

Often local chapters of organizations such as the American Association of University Women (AAUW), League of Women Voters, Federation of Business and Professional Women's Clubs, National Organization for Women (NOW), or

Women's Equity Action League (WEAL) have developed their own "show and tell" presentation on sex equality in education.

Some NOW chapters, for example, have special education committees which have developed slide shows on sex bias in education for parents and local educators. Many other chapters have done detailed research on the textbooks being used in the school systems.

These presentations, and others like them, can be used very effectively at parent meetings, student assemblies, and staff development days.

PEER Resources List

The enclosed Resources List contains suggestions for material that can help to eliminate sex bias in education. It provides the address for obtaining each item and the cost, if any, involved.

Once again, you are not being a busybody in helping the school staff uncover these resources. School staff members have many different responsibilities. By doing some of the leg work, by being a facilitator, you help them deal with your concerns more quickly and more effectively.

General Assistance Centers

Alabama
James K. Curtis
The University of Alabama
P.O. Box 2846
University, Alabama 35486
(205) 384-5152

Alaska
Robert-Arnold
Alaska Native Foundation
515 D Street
Anchorage, Alaska 99501
(907) 274-5638

Arkansas
Jim Ford
Arkansas Technical Assistance Center
Ouachita Baptist University
Arkadelphia, Arkansas 71923
(501) 246-4531 Ext. 294

California
Leonard Beckum
Far West Laboratory for
Educational Research & Development
1855 Folsom Street
San Francisco, California 94103
(415) 565-3079

Connecticut
James Barnes
New England Equal Educational Center
University of Hartford
38 Woodland Street
Hartford, Connecticut 06103
(203) 522-7166

Florida
Gordon Foster
School of Education
University of Miami
P.O. Box 248065
Coral Gables, Florida 33124
(305) 284-3213

Georgia
Morill M. Hall
Center for Educational Improvement
University of Georgia
G-12 Aderhold Hall
Athens, Georgia 30602
(404) 542-1821

Hawaii
Nancy Young
Department of Educational Foundation
College of Education
University of Hawaii
2444 Dole Street
Honolulu, Hawaii 96822
(808) 948-7859/8658

Illinois
David G. Henry
National College of Education
Center for Multi-Cultural Education
18 S. Michigan Avenue, 2nd Floor
Chicago, Illinois 60601
(312) 621-9689

Indiana
Frank Aquilla
Indiana University
447 East 38th Street
Indianapolis, Indiana 46204
(317) 264-4628

Louisiana
Eldridge Gendron
Educational Resource Center
Tulane University
Alcee Fortier Hall, Room 312
New Orleans, Louisiana 70118
(504) 866-5427

Michigan
Charles D. Moody, Sr.
School of Education
University of Michigan
Ann Arbor, Michigan 48109
(313) 763-9910

Minnesota

George D. King
Upper Midwest Tri-Racial General Assistance Center
7900 Xerxes Avenue, South, Suite 1716
Bloomington, Minnesota 55431
(612) 831-7847

Mississippi

Norvel Burkett
Division of Continuing Education
Mississippi State University
Drawer NX
Mississippi State, Mississippi 39762
(601) 325-4030

Missouri

Charles Rankin
Midwest Center for Equal Educational Oportunity (MCEEO)
University of Missouri
408 Hitt Street
Columbia, Missouri 65201
(314) 882-6294

New Mexico

Ernest Gurule
Regents of the University of New Mexico
The University of New Mexico
Albuquerque, New Mexico 87131
(505) 277-5706

New York

Edmond Gordon
Institute for Urban Minority Education
Teachers College, Columbia University
525 West 120th Street
New York, New York 10027
(212) 678-3350

North Carolina

Clinton R. Downing
General Assistance Center
East Carolina University
P.O. Box 342706
Greenville, North Carolina 27834
(919) 758-6704

Ohio

Robert Evans
KEDS — General Assistance Center
Kent State University
301 Wright Hall
Kent, Ohio 44242
(216) 672-2828 or 672-2829

Oklahoma

Joe Garrison
Consultative Center for EEO
University of Oklahoma
555 Constitution Avenue
Norman, Oklahoma 73069
(405) 325-1841

Oregon

Richard Withycombe
School of Education
Portland State University
P.O. Box 751
Portland, Oregon 97207
(503) 229-4624

Pennsylvania

Ogle Duff
School Desegregation & Conflict Center
University of Pittsburgh
4029 Bigelow Blvd.
Pittsburgh, Pennsylvania 15261
(412) 720-5893

South Carolina

Ethel McWilliams
College of Education
University of South Carolina
Columbia, South Carolina 29208
(803) 777-6513

Tennessee

Frederick P. Venditti
Educational Planning Center
University of Tennessee
224 Henson Hall
Knoxville, Tennessee 37916
(615) 974-6638

Texas

Bennat Mullen
Stephen F. Austin State University
Box 613018
Nacogdoches, Texas 75961
(713) 569-5307

Utah

Richard Thomas
Weber State College
3750 Harrison Boulevard
Ogden, Utah 84408
(801) 399-6635 Ext. 481

Virginia

Howard W. Allen
Consultative Resource Center
School of Education
University of Virginia
Ruffner Hall, Emmet Street
Charlottesville, Virginia 22903
(804) 924-3527

Sex Discrimination Training Institutes

Arizona

Myra Dinnerstein
Women's Studies
College of Liberal Arts
University of Arizona
Second Street at Vine
Tucson, Arizona 85721
(602) 884-4477

California

Nancy Kreinberg
Campus Research Office
M-11 Wheeler Hall
University of California at Berkeley
Berkeley, California 94720
(415) 642-1823

Barbara Peterson
School of Human Development and Community Service
California State College
Fullerton, California 96234
(714) 870-3141

Colorado

Nancy Scott
Institute for Equality in Education
University of Colorado at Denver
Denver, Colorado 80202
(303) 629-2786

Illinois

Edward Ignas
Industrial Relations Center
University of Chicago
5801 Ellis Avenue
Chicago, Illinois 60637
(312) 753-2015

Iowa

Marion Pulsifer
Simpson College
North C Street
Indianola, Iowa 50125
(515) 961-6251

Kansas

Norma Tucker
McPherson College
1600 East Euclid
McPherson, Kansas 67460
(316) 241-0731

Massachusetts

B. Grover
School of Education
Boston University
C-10 Grants Office
881 Commonwealth Avenue
Boston, Massachusetts 02215
(617) 353-4365

D. Ochs
Division of Continuing Studies
Southeastern Massachusetts University
Old Westport Road
North Dartmouth, Massachusetts 02747
(617) 997-9321 Ext. 280

Minnesota

Margaret McCormic
Human Relations Program
College of Education
St. Cloud State University
St. Cloud, Minnesota 56301
(612) 255-2073

Montana

Bruce T. Alton
Rocky Mountain College
500 Poly Drive
Billings, Montana 59102
(406) 245-6151

New Jersey

Rebecca Lubetkin
Training Institute — Sex Discrimination
Douglass College
Rutgers University
College Hall
New Brunswick, New Jersey 08903
(201) 932-9808

North Dakota

L. D. Loftsgard
Division of Continuing Studies
North Dakota State University
P.O. Box 5595 State University Station
Fargo, North Dakota 58102
(701) 237-7211

Oregon

Leon Richelle
Portland State University
P.O. Box 751
Portland, Oregon 97207
(503) 229-4626

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Strategies for Change: How to Make Your Recommendations Happen

What Next?

Preparing for Action

A Final Action Plan

General Tips on Dealing with School Systems

Keep in Mind...

If Worse Comes to Worst: How to File a Title IX Complaint

Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias In Your Schools

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What Next?

You've used the guides to check how well your schools are complying with Title IX. You've taken a look to see how fair they are to girls and to boys. And chances are, to a greater or lesser degree, the schools have been found wanting. You've prepared a report; you can document what things are not as they should be; and you want to see those things changed for the better.

The next thing to do is to organize for action — action which results in those changes for the better. That sounds obvious, but it doesn't always happen. Too many reports on social problems molder on dusty back shelves because nobody ever **did** anything with the information.

The guide on Reviewing Your Schools has some valuable tips for your first round of contacts with the schools. This final section is designed to help you plan an overall campaign to bring about the changes you decide are needed. Of necessity the suggestions here must be general. Obviously, rural school districts differ from those in big cities, and small districts differ from large ones. What is an effective strategy in one school district may be just the opposite in another.

Many of these suggestions — aimed primarily at effecting change in your schools — can be applied to any effort to organize around community issues. No claim is made for originality. Quite the contrary. These ideas have been around for a long time. The underlying principles for organizing social or political action have remained much the same for centuries. They were used in some form by Caesar, by the leaders of the American women's movement in the last century and by big city political organizations. They are also used in some manner by contemporary social action groups such as the League of Women Voters, Common Cause and the National Organization for Women.

While far from new, these ideas are sound. They have worked well for millions before you — they should work well for you.

Preparing for Action

WHAT TO DO FIRST

The first thing to do is STOP! Before taking any action, stop to think and plan. The importance of planning cannot be stressed too highly. It can make the difference between success and failure.

It's a good idea to make notes, to get your ideas down on paper in an organized manner. Use a large pad of paper if you're doing this alone. For a group brainstorming session — which is very useful — large sheets of paper taped to a wall or easel work well.

PLANNING

The planning process should include these steps:

■ **Lay out your goals.** Make these clear and precise. "Eliminating all sex discrimination" is a laudable goal, but it is too general and too loosely defined to be a basis for action. "Eliminating sex segregated vocational courses in the senior high school" is more sharply focused. It is also probably more "do-able," an important consideration in your planning.

■ **Decide on priorities.** Which issues are most important? Which issues will you work on first? Second? Rank these priorities. It is very important at this point to see if any issues offer the possibility of a quick, not-too-taxing victory. A quick win at the start of a campaign can be extremely valuable for two reasons. It provides a psychological lift that can cheer and encourage you during the times when progress seems slow, or bogged down entirely. It also affects the way school people and other parents see you or your group, contributing to a "winner" image which will stand you in good stead. You'll need to take another look at this in your planning process, but don't let this idea get lost.

■ **Make a realistic assessment of your immediate resources.** These will be primarily people with varying amounts of time and energy to contribute. With new tasks ahead of you, take the time to find out what kinds of contributions each can make — interviews with school officials? Writing reports or news stories? When can they do these things? Are they free to go into schools during the day or must they work at home? Obviously, a band of two may not be able to take on as much, as soon, as a group of twenty. But knowing what members of your group can do — and will do — means the most productive use of everyone's time.

■ **Identify, as well as you can, potential support and potential opposition.** The quickest way to do this is to think in terms of people's self-interest. Who stands to gain by your actions? Who stands to lose?

It pays to brainstorm, and use some imagination, in considering possible sources of support. At this point make

the longest possible list of people — student groups, parent groups, community organizations, women's groups — who might want to help you. There will be time later to prune the list.

You can expect some opposition from those who might lose money, power or status. Who is likely to get a smaller or different budget? Who may have to share more control, or share more decision-making, than previously?

Do not be too surprised if you encounter opposition from some who feel threatened by any change in the status quo, even a change that will be to their benefit. What is, is known; what may be, however promising, is still unknown and possibly threatening.

Consider ways potential opposition might be neutralized. By identifying possible objections before they arise, you will be better prepared to meet them with arguments and facts.

Above all, do not be too quick to write off the possibility of support from any person or group. People can, and perhaps will, surprise you. Avoid assuming too firmly that anyone is an opponent until you are sure that they are.

■ **Lay out as many alternative action strategies as you can think of.** While you must keep in mind the extent of your resources, it isn't necessary to limit your thinking entirely at this point. The purpose of listing all strategies is to start you thinking. If a good idea occurs, write it down. If you can't do it immediately, you may be able to in the future.

If you are a small group of two or three people you might decide to take on one issue, say, athletic programs in junior high schools; do a brief report, make several proposals for improvements and submit it to the school board, with copies to the district PTA and other groups which may be interested.

A larger group might decide to hold a public meeting on the problems in a whole school district, and coordinate this with the release of their report.

You will think of many other specific actions you can take. As you discuss them — and write each down — consider how each contributes to your goals. Which holds the most promise of achieving those goals?

For each goal, you need to bring your facts to others, in order to enlist their help and support. What are the best ways to reach your different publics — students, school staff, school board, parents — both organized and unorganized, the community at large, political leaders, the media and so on? Write down all the ways you can reach these people.

What are the changes you want? Are there several different ways these changes could be brought about? List them. Who would make the decisions necessary for change? The superintendent? The school board? A principal? List them. What channels do you have to these people — direct or indirect? Is there someone who influences the decision makers? Can you influence or enlist the aid of that person in support of your cause?

It would probably be useful to brainstorm about the fate of previous citizen efforts aimed at the school system. Exchange ideas on what worked and what didn't work in your school district — and why.

Now, what broad action strategies are suggested by all these considerations? What combinations of specific actions might work best for you? In what order? Write all of them down.

■ **Consider the differences in basic approach — or styles of action — you might want to use.** Different approaches involve somewhat different personal styles, and your group has to be comfortable with the approach they choose.

Will you try to work from the inside, with the staff people who make the program decisions, or work primarily from the outside, trying to bring community pressure on the school system? Working with the staff may bring slower results, but will probably involve less confrontation and less public spotlight.

Do you want to hold out for a specific list of reforms you consider essential, or work with a coalition and strive for the broadest possible consensus?

Think carefully about this. Discuss it with your group. Whatever your decision, be sure the group is really comfortable with it.

■ **Do a preliminary cost benefit analysis of possible action strategies.** Determine, as best you can, what each proposed strategy would cost in terms of your resources. Look at each step in the strategy. How many people would be required, for how long, using what skills? Measure this against the probable outcome.

■ **Do a preliminary analysis of time needed for each strategy.** Consider both the amount of work you will have to do, and the time it would take the school system to put a change into effect. Could a ruling by an assistant superintendent bring about a certain change immediately, or would action have to wait for next year's budget?

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KNOWING YOUR SCHOOL SYSTEM

For your plans to work, you must know how power is distributed in the school system. You need to know:

who makes decisions about the kind of change you want to see;

who influences the decision makers;

how decisions are made;

when decisions are made;

when are the best times to affect decisions.

For example, you may want to observe how your own superintendent and your own school board work together. In general, school boards set broad policy and the superintendent carries out their decisions. But school boards differ in the amount of detail they handle and the amount of autonomy they give the superintendent. How does it work in your district?

Very important, how is the school budget established? Work on most school budgets begins at least a year prior to their adoption. When are departmental budget recommendations due? When does the superintendent submit the proposed budget to the school board? How much time do they take with it? In committee or as a whole board?

Does the school board hold public hearings on the budget? If they do, circle that date on your calendar. Be prepared to appear and speak at the hearing in as much force as you can. It is an important opportunity, not only for the money involved, but for the chance to state your case before the board and before the community. A lot of people who don't pay much attention to the fine points of school policy pay more attention at budget time, when they find out what the schools will cost them.

WHO CAN HELP YOU?

Consider ways potential suport may be mobilized and get some early indications of interest. Find out what groups might be interested in working with you, what they might be able to do, and who has to decide for their group. If the decision has to be made by a board, when does it meet? Can someone from your group appear before it?

If you are not already a part of organizations such as the National Organization for Women, the League of Women Voters, the Women's Equity Action League or the American Association of University Women, all concerned in some manner with quality and equity in education, these are the first places to go for support.

All parents care about their children; perhaps the school PTA or district PTA could be enlisted. If they are not prepared to provide support, perhaps they will give you a forum for talking about the results of your review — at a PTA meeting, or a committee meeting, or in a newsletter. Talk to someone you know in the PTA about this.

Teachers concerned with employment problems faced by women in education, or concerned about sex role stereotyping in the classroom, can provide great assistance. They may not feel free to join you publicly, but they can, in many instances, contribute valuable information that might be harder for you to get on your own. You may be able to get some indications from teachers you know or from the local teachers' association.

Students stand to gain by the elimination of sex discrimination. Is the student government interested? They might help by polling other students, to the extent this can be done within school regulations. Students can also be extremely effective participants in presentations before school boards or other public forums. Adults so often hear other adults arguing educational issues, that they really sit up and pay attention to firsthand testimony.

Local women's clubs — social, service or religious — may be interested. You should certainly find out.

MEET THE PRESS

If you have not worked before with your local newspapers and radio and television stations, this is the time to start getting acquainted with them. Ideally, if you have time, go on in and meet the reporters who cover school news. See if you can interest them in doing a feature on what you have already found out. A reporter who is sympathetic can be a valuable source of information and help.

Every library has several good how-to guides for community public relations campaigns. If your group is not familiar with writing press releases or holding press conferences, it would be most helpful to check out one of these books.

At a minimum, find out about deadlines and story requirements, what kinds of pictures newspapers want and what kinds of stories they are most likely to cover. For daily papers and television stations, events often have to be timed to meet their schedules. That might mean, for instance, holding a press conference in the morning to improve your chances of getting in the evening news.

A Final Action Plan

Bring your group back together, consider all the factors, and decide on final action plans. A word of caution at this point: whatever your final plan, allow for flexibility. The purpose of planning is to become organized, not rigid. If a plan that looked perfect on paper proves to be substantially less than that in practice, be prepared to take another approach.

By now, you're reviewed the schools and you have more relevant facts than anyone else. You and your group are probably the Title IX experts in the district. So you are in a better position than anyone else to decide on an action plan. But here are some suggestions you might consider, depending on your local situation and your local needs:

- Meet with your principal, to suggest positive steps to correct sex bias in an individual school. If the principal says she or he doesn't have the power to make changes, go to those who do.
- If you are seeking program changes, set up an appointment with the department head for the whole district. That might be the person in charge of athletics, or vocational education, or counseling. Check back with them regularly; watch what progress is being made.
- Bring the information you have gathered to your local PTA, at the school level and at the district level. Suggest ways they can work for change.
- Meet with school board members and explain in depth what you have observed and what you are trying to accomplish.
- Present your findings publicly to the school board. Notify local press that you will be doing so.
- Meet with local political leaders. Ask for their help. Send a copy of your report to your Senators and Representatives in Congress.
- Establish a coalition of community groups — on a single issue or on several issues — to work with the school system toward needed change. A coalition may be able to monitor the schools and the school board on an ongoing basis. A continuing presence at school board meetings is very useful; and some people who might hesitate to take a more active role may be willing to attend meetings to indicate their concern and report back on school board actions.
- Prepare a summary of your report as a feature for your local weekly newspaper. Many small weekly papers welcome such contributions.
- Figure out a picture angle that helps make your point, and submit it, with captions, to the local newspapers.
- Set up a speakers' bureau to present your material to other organizations. You might be surprised at the number of community organizations that have to plan monthly meetings for their members, and welcome program suggestions. One or two members of your group, working from a single prepared presentation, can reach a lot of people in just a few evenings each month.

General Tips on Dealing with School Systems

Several things are important to remember here in your campaign. Briefly, keep in mind that it's all right — best, in almost all cases — to go through regular school channels. But don't allow yourself to be put in a situation which just wastes your time. Be polite but refuse to be shunted off to people or departments without real power. Keep moving.

Always have a written summary with any verbal presentation. Multiply your effectiveness by sending copies of your letters and presentations to everyone who might be interested.

Always ask school officials for a response in writing. Set deadlines.

Don't be sidetracked into endless meetings. An offer by school authorities to do a study should not be accepted as an adequate response. After all, your presence is the result of a study. Specific action is called for.

Keep In Mind . . .

- If you are one person starting out alone, do not be discouraged. You do not have to do all the things suggested in order to have an impact. And the chances are that you'll start picking up allies soon after you begin.
- If this is a group project, involve as many people as possible in the initial planning process. People who have a say in the beginning are the ones most likely to take action and remain involved.
- Plan before taking any action.
- Have your goals clearly defined, but always be prepared to be flexible if necessary.

"If Worse Comes to Worst": How to File A Title IX Complaint

At some point in your campaign to end sex discrimination in your schools, you may decide that the best strategy is to file a formal Title IX complaint with HEW.

If you're thinking of filing a complaint, here are some answers to frequently asked questions, and directions on how to go about it.

Who Can File a Title IX Complaint?

Anyone — a group or an individual — who thinks they have been discriminated against on the basis of sex under the provisions of Title IX.

An individual or organization can also complain on behalf of another person or group.

If you think the institution accused of discrimination might harass a person filing a complaint, it's a good idea to have an organization send in the complaint instead.

Check in your area for organizations that might be able to press the case. A local chapter of the National Organization for Women, the American Civil Liberties Union, the American Association of University Women, or the Women's Equity Action League might be a good place to start.

Is There a Deadline for Filing a Complaint?

Generally, you must file a Title IX complaint within 180 days after the discrimination occurs. If the discrimination is continued — exclusion from a particular class, or inequitable sports programs, for example — you can send a complaint anytime.

Is There a Form for Filing Complaints?

No. You file a complaint by writing a letter to HEW explaining the basis of your belief that your school district is discriminating. There is a sample complaint form at the end of this section. A complete complaint should include:

- the name and address of the school district (not the individual school) you believe is discriminating on the basis of sex;
- a description of those discriminated against (such as "girls in 6th grade gym at Wilson School" or "senior high school girls");
- the names and addresses of the people suffering discrimination if there are three or fewer of those people;
- the approximate date the discrimination took place, and whether it is still continuing;
- enough information about the discrimination to enable HEW to start investigating, as well as any evidence you are able to offer;
- your name, address, and daytime phone number if you can be called during the day;
- names, addresses, and phone numbers of anyone else HEW should contact for more information; explain why they should contact each of these people;
- any other sources of information you think HEW should check.

Some regional offices may send back a form to be filled out, but in all cases it is appropriate to start with a letter.

Where Do I Send the Complaint?

Address it to the director of HEW's regional Office for Civil Rights with jurisdiction over your State. These names and addresses are at the end of this section.

You may also want to sent copies to your Representative in Congress, your Senators, the school board, local newspapers, and local organizations which might be interested — unless, of course, you prefer that your complaint be kept confidential.

Send PEER a copy of your complaint. Unfortunately, we can't help individual complainants get action. Much as we would like to, there just aren't enough of us at PEER to go around. But knowing what's going on around the country helps us push HEW for stronger enforcement.

What About Confidentiality?

HEW must keep the identify of the person (or group) who sends in a complaint confidential, unless the complainant agrees to reveal it during an investigation.

Even so, if you want your name withheld, it's a good idea to stress that in your letter to HEW. Ask HEW to let you know in advance if they do have to reveal your name.

Sometimes a school or school district accused of discrimination will try to discourage complaints by harassing a person who files one. If you think that could happen, do stress your need for confidentiality or ask an organization to file the complaint instead.

On the other hand, many people who file a complaint publicize it themselves, since bad publicity for the institution can sometimes prompt a quick end to an unfair practice.

What If There's More Than One Instance of Discrimination?

If you believe there's a pattern of discrimination against girls and women throughout the school, or school system, say so in your complaint. Describe each kind of discrimination you know about, and ask HEW to undertake a thorough review of the institution's practices to see if there may be other examples you don't know about.

Even if you just want to pursue one particular discrimination case — someone's been barred from a course because of her sex, for instance — try to show it's not just an isolated incident. Your case will be stronger if you can show this instance of discrimination is part of a general pattern of sex discrimination.

What Will HEW Do with my Complaint?

Under a new court ruling, HEW must investigate all Title IX complaints against elementary and secondary schools within certain time frames. Here's how the procedures work.

First, HEW must send written notification to the person or organization filing the charges advising whether the complaint gives enough information for HEW to start investigating. If HEW thinks the complaint does not give sufficient details, it must say what information is needed.

HEW must finish its investigation within 90 days of receiving the complaint, or within 90 days after a complaint has been made "complete" enough.

If HEW finds that there is indeed discrimination, it has 90 more days to work out an agreement for ending the discrimination with the school district.

If HEW cannot negotiate an agreement with the school district to end the sex discrimination, then HEW has 30 days to begin the formal enforcement proceedings which could result in cutting off Federal funds to the school district.

These time limits can be shortened if the complainant indicates that the complaint is an "emergency" one. Loss of a job or threat of expulsion from school would be situations qualifying as an emergency.

HEW can stretch these time limits a bit if a necessary witness is unavailable because of summer vacation, but it cannot, under any circumstances, add more than 30 days after the end of the summer recess.

It may happen that a particular HEW regional office will have too many Title IX complaints to handle under the new time frames. If this occurs, the regional office may postpone action on up to 20 per cent of the complaints until the next year. However, any postponed complaints must be investigated within the following year.

During the investigation, HEW must contact the person or organization filing the complaint, and their witnesses, and give them full opportunity to present their evidence.

If **specifically requested,** HEW must tell the complainants its preliminary findings and allow the complainants to present more evidence if they wish.

The complainant **must** be notified of HEW's final decision as to whether there was discrimination and, again, if it is **specifically requested,** HEW must give the complainant a copy of all correspondence with the school district concerning the complaint.

If you think HEW is slow in acting on your complaint, don't hesitate to call or write them, urging them to move faster. It can't hurt, and sometimes it can help to speed up the process.

Is It Worth Filing a Title IX Complaint?

You are the only one who can really decide, but there are times when it can be very important.

- If you have been pressuring a school district to end sex biased practices and they have been slow, or resistant, to change, then sometimes filing a Title IX complaint will prompt them to move more quickly.
- If all your efforts to effect change in your schools on a voluntary basis have come to a dead end, then your only recourse is to file a complaint with HEW.
- When HEW does intervene, their word will carry weight. After all, they can cut off Federal funds to the school district.
- HEW is likely to devote greater energy and resources to enforcing Title IX when they know the public demands it. Complaints tell them the demand is there now.

Sample Letter for Filing a Title IX Complaint

Regional Director
Office for Civil Rights, Region_____
U.S. Department of Health, Education, and Welfare
(Address for your region)

Dear _____:

I am/We are filing a complaint of sex discrimination under Title IX of the Education Amendments of 1972, against **(name and address of school district).** The name(s), address(es), and phone number(s) of those filing the complaint:

_____

_____

_____

(The next paragraph should identify those being discriminated against. If it's three or fewer people, give their names and addresses. If there are more than three, describe them generally — "the girls in 6th grade gym classes" for example.)

(Follow this with as complete a description of the sex discrimination as you can. Make sure to tell what happened, when it happened and whether the discrimination is still going on. Name any people who were practicing the discrimination and their position in the school or district. If the discrimination is an emergency, say so. **Underline it.** Attach any evidence you may have which supports the complaint, such as letters, student handbooks, and so on.)

The following people have agreed to provide further information to your staff. (Here, list the people willing to talk to HEW. Explain how they can provide information relating to your complaint, and tell HEW where they can be reached. If their names must be kept confidential, note this as well.)

I/We ask that you investigate this complaint immediately and notify me/us of the time the investigation will take place. In addition, please send me/us copies of all written preliminary findings in the case and copies of all correspondence between HEW and the school district.

Sincerely,
name(s)
address(es)
phone number(s)

If you are sending copies of your complaint to other persons, list them below. For example:

cc: Senators — State Legislators
Representatives — National Organizations
Governor — Newspapers

Where to Send Your Complaint

Send it to the HEW civil rights office which handles complaints for your state.

REGION I
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
John G. Bynoe, Director
Office for Civil Rights, DHEW
140 Federal St., 14th Floor
Boston, Mass. 02110
(617) 223-6397

REGION II
New Jersey, New York, Puerto Rico, Virgin Islands
William R. Valentine, Acting Director
Office for Civil Rights, DHEW
26 Federal Plaza
New York, N.Y. 10007
(212) 264-4633

REGION III
Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia
Dewey Dodds, Director
Office for Civil Rights, DHEW
3535 Market St., P.O. Box 13716
Philadelphia, Pa. 19101
(215) 596-6771

REGION IV
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
William Thomas, Director
Office for Civil Rights, DHEW
50 Seventh St., N.E., Room 10
Atlanta, Ga. 30323
(404) 881-3312

REGION V
Illinois, Minnesota, Wisconsin
Kenneth A. Mines, Director
Office for Civil Rights, DHEW
300 South Wacker Dr., 8th Floor
Chicago, Ill. 60606
(312) 353-2520

Michigan, Ohio, Indiana
Ortha Barr, Director
Office for Civil Rights, DHEW
55 Erieview Plaza, Room 222
Cleveland, Oh. 44114
(216) 522-4970

REGION VI
Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Dorothy Stuck, Director
Office for Civil Rights, DHEW
1200 Main Tower Building, 19th Floor
Dallas, Tx. 75202
(214) 655-4005

REGION VII
Iowa, Kansas, Missouri, Nebraska
Taylor D. August, Director
Office for Civil Rights, DHEW
1150 Grand Ave., 7th Floor
Kansas City, Mo. 64106
(816) 374-2474

REGION VIII
Colorado, Montana, North Dakota, south Dakota, Utah, Wyoming
Gilbert D. Roman, Director
Office for Civil Rights, DHEW
1961 Stout St.
Denver, Co. 80294
(303) 837-4345

REGION IX
Arizona, California, Hawaii, Nevada
Floyd L. Pierce, Director
Office for Civil Rights, DHEW
100 Van Ness Ave., 14th Floor
San Francisco, Ca. 94102
(415) 556-8586

REGION X
Alaska, Idaho, Oregon, Washington
Marlaina Kiner, Director
Office for Civil Rights, DHEW
1321 Second Ave.
M/S 508
Seattle, Wash. 98101
(206) 442-0473

The TITLE IX PRIMER

The Read-It-in-the-Original Guide to Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

Title IX of the Education Amendments of 1972

Public Law 92-318

This Title IX Primer reflects HEW rulings and interpretations of the Title IX Regulation as of October 1977. Subsequent rulings by HEW probably will not produce substantial changes in this material, but they could alter the focus of some sections. If serious interpretive questions arise, consult the HEW Office for Civil Rights in Washington or in your region. The addresses of regional offices are at the back of the enclosed section on How to File a Title IX Complaint.

It is important that we understand the law.

While summaries and translations are useful in getting started, nothing compares with having read the original, with having learned that you can negotiate Subpart A, B, C, D, E, F, and Sections 86.1 through 86.71.

It really isn't that difficult.

The following pages will show the exact wording of the Final Regulation for Title IX of the Education Amendments of 1972, reproduced in its entirety as it appeared in the Federal Register on June 4, 1975.

This regulation has the force of law and incorporates all the provisions of Title IX, along with official interpretations of those provisions. Also included for your information, immediately following the regulation, is the original language of Title IX.

Aligned on the right side of the following pages will be an expansion and explanation of the legal language of the regulation. Having immediately before you both the explanation and the regulation itself should allow you to become more comfortable and familiar with the actual language of the regulation — and, therefore, more able to speak with authority concerning its requirements.

At intervals you will find notations such as "see Athletics Guide." That means that more detail on what your schools should be doing, and how you can assess what they are doing, will be found in the Review Guide on Athletics. The same holds true for details on Counseling, Employment, and so on.

This section is your Title IX reference book. Use it.

Cracking the Glass Slipper:
PEER's Guide to Ending Sex Bias In Your Schools

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The Law:
Title IX of the Education Amendments of 1972

Title IX is:

a **Federal law** (Public Law 92-318) passed by Congress, and signed by the president on June 23, 1972.

a **civil rights law** prohibiting sex discrimination in education programs and activities receiving Federal financial assistance.

The preamble of Title IX states:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

History

Title IX was passed by both houses of Congress after congressional hearings, held in 1970, documented the pervasiveness, perniciousness, and long-range consequences of sex discrimination in educational policy, practice and attitude.

After Title IX was passed, the Department of Health, Education, and Welfare spent three years drawing up the regulation which interprets Title IX. Citizen input on the provisions of the regulation was sought. Requests for comment on how Title IX should be implemented brought 10,000 responses — the largest number HEW had ever received on a single issue. The final regulation was published on July 21, 1975.

Scope

The scope of Title IX extends from preschool through graduate school, and protects students, professional staff and support staff from sex discrimination. Almost 44 million children are enrolled in the public schools of America. All of them are protected from sex discrimination by Title IX.

Beyond the classroom Title IX covers any program, organization or agency that receives Federal education dollars — and those entities, too, must comply with Title IX. These might include professional organizations, training programs, research institutes and so on.

Title IX, enforced and implemented, is the most far-reaching civil rights law with regard to the numbers of individuals protected that has ever been enacted in the United States.

Enforcement

The Office for Civil Rights in the Department of Health, Education, and Welfare, Washington, D.C. is responsible for the enforcement of Title IX. Investigation of alleged violations of Title IX is conducted by staff in the ten regional offices of HEW.

Sanctions

Aside from the general moral and legal reasons for ending sex discrimination, it is important to remember that noncompliance could result in a cutoff of all Federal funds to a school district.

WEDNESDAY, JUNE 4, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 108

RULES AND REGULATIONS

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Subpart C Explains admissions and recruitment requirements

Subpart D Tells what must be done to make the treatment of students in the school sex fair

Subpart E Explains what nondiscrimination in employment means

Subpart F Procedures for implementing the law

Subpart A

Subpart A—Introduction

§ 86.1 Purpose and effective date.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682, as amended by Pub. L. 93-568, 88 Stat. 1855, and Sec. 844, Education Amendments of 1974, 88 Stat. 484, Pub. L. 93-380)

Purpose

The purpose of Title IX is to eliminate discrimination on the basis of sex from education programs and activities which receive money from the Federal government. That includes your school district.

The Title IX Regulation became effective July 21, 1975.

Although this kit is geared to use in reviewing elementary and secondary schools, you should be aware that Title IX requirements apply to **any** education program that gets Federal dollars, whether or not the program is housed in an educational institution, and whether the level is elementary, secondary, undergraduate or post-graduate.

§ 86.2 Definitions.

As used in this part, the term—

(a) *"Title IX"* means title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except §§ 904 and 906 thereof; 20 U.S.C. §§ 1681, 1682, 1683, 1685, 1686.

(b) *"Department"* means the Department of Health, Education, and Welfare.

(c) *"Secretary"* means the Secretary of Health, Education, and Welfare.

(d) *"Director"* means the Director of the Office for Civil Rights of the Department.

(e) *"Reviewing Authority"* means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this Part.

(f) *"Administrative law judge"* means a person appointed by the reviewing authority to preside over a hearing held under this Part.

Definitions

These will help you get a handle on the short cut language used in the regulation which follows.

(g) *"Federal financial assistance"* means any of the following, when authorized or extended under a law administered by the Department:

(1) A grant or loan of Federal financial assistance, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

Federal Financial Assistance — when Federal money comes into a school system, it frees up state and local money to be used in other budget areas. All areas of your school system must comply with Title IX if the district receives Federal money, services or property in any area.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(h) "*Recipient*" means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof.

(i) "*Applicant*" means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.

Recipient — means the receiver of Federal money whether it is a school, a school district, a state agency, an institution, organization, or person.

If your school district gets Federal money indirectly, they are still a recipient. For example, if the state department of education gets money from the Federal government and uses it for programs in your school district, your district is still the receiver — the recipient of Federal financial assistance.

(j) "*Educational institution*" means a local educational agency (L.E.A.) as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section.

Educational Institution — means the agency which actually runs an educational program. For your local public schools, that is not any individual school, but your school board (referred to here as the Local Education Agency, or L.E.A.).

(k) "*Institution of graduate higher education*" means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(l) "*Institution of undergraduate higher education*" means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

This section identifies the colleges, universities and professional schools covered by Title IX.

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) An agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(m) *"Institution of professional education"* means an institution (except any institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(n) *"Institution of vocational education"* means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.

(o) *"Administratively separate unit"* means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(p) *"Admission"* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

(q) *"Student"* means a person who has gained admission.

(r) *"Transition plan"* means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901(a)(2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Your local public vocational programs for students are covered by this section, whatever their setting or structure. Some area vocational education schools are independent of the local school district, but they are covered by Title IX because they receive Federal money. See Vocational Education Guide.

This defines **admission** for all educational institutions. In local public schools, admission has most to do with getting into special programs such as vocational education, into all classes, and into any activities provided by the school, whether during or after school hours.

Congress gave some single-sex institutions more time to integrate if they had a plan approved by June 1973. No school did, so this will not apply to your school.

§ 86.3 Remedial and affirmative action and self-evaluation.

(a) *Remedial action.* If the Director finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Director deems necessary to overcome the effects of such discrimination.

Remedial Action — if your school system is found to have discriminated on the basis of sex, they can be required to take steps not only to eliminate the discrimination but the **effects** of the discrimination. As with remedial reading, it means the school should help the people catch up in whatever area they have been discriminated against.

(b) *Affirmative action.* In the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246.

Affirmative Action — these are steps your school can take voluntarily — before they are found in violation — to increase participation of students in programs or activities where girls or boys have taken part only on a limited basis.

For example, for either remedial or affirmative steps the school system might decide to start a major intramural sports program at the junior high level with a view to getting girls more interested in athletics.

The long-range plan for subsequent years might lead to development of a better intermural athletic program at the junior high level, and the continuation of this program into the senior high school level as girls moved into that age group.

(c) *Self-evaluation.* Each recipient education institution shall, within one year of the effective date of this part:

(i) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(ii) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(iii) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(d) *Availability of self-evaluation and related materials.* Recipients shall maintain on file for at least three years following completion of the evaluation required under paragraph (c) of this section, and shall provide to the Director upon request, a description of any modifications made pursuant to subparagraph (c)(ii) and of any remedial steps taken pursuant to subparagraph (c)(iii).

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Self Evaluation — your school system should have completed an evaluation of its own activities, to see if it is in compliance with Title IX, by July 21, 1976.

The district is required to change its activities wherever they are in violation and to take remedial steps (see above) to help people catch up who have been discriminated against. These remedial steps do not wait upon a finding of discrimination by HEW, but are required to be undertaken by the school system immediately.

Information on changes undertaken and remedial steps underway must be kept on file for three years.

See: How to Review Your Schools; Basic Garden-Variety Hints, for a discussion of the self evaluation process.

§ 86.4 Assurance required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Director, that each education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Director if the applicant or recipient to whom such assurance applies fails to commit itself to take whatever remedial action is necessary in accordance with § 86.3(a) to eliminate existing discrimination on the basis of sex or to eliminate the effects of past discrimination whether occurring prior or subsequent to the submission to the Director of such assurance.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of Subpart B.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.6 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation.

(Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

Assurance Form

HEW has sent to every school district in the country, an assura
which requires a signed commitment to compliance with Title IX.

The schools must agree not only to eliminate existing discrimi
to continue to "take whatever remedial action is necessary" to hel
get over the effects of past discrimination.

Other Anti-Sex-Discrimination Laws

Title IX does not alter or lessen your school's responsibility to c
with other Federal anti-sex-discrimination standards such as:

Executive Order 11246 as amended (employment discriminatio

Title VII of the Civil Rights Act of 1964 (employment discrimina

Equal Pay Act (salary discrimination);

Public Health Service Act (admission to professional training sc

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

State and Local Laws vs. Title IX

Title IX takes precedence over any state or local laws or requirements having to do with education, which attempt to limit students, applicants or employees on the basis of sex.

Private Rules vs. Title IX

The regulations of national, state, or local private organizations or associations, such as athletic leagues or clubs, which have worked with the schools in, say, regulating athletic activities, are superseded by the Title IX Regulation and may not be used as a basis to discriminate in any program operated by your school. See Athletics Guide.

§ 86.7 Effect of employment opportunities.

The obligation to comply with this Part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Do not Support the Status Quo

Even if present employment opportunities for one sex or the other seem to be limited, schools may not allow counselors, or vocational and career education programs, for example, to offer discriminatory services in the belief that students may not be able to get jobs that are not traditional for their sex. Limited current employment opportunities may not be used as an excuse for the schools to perpetuate the status quo in their educational programs or activities. See Counseling Guide.

§ 86.8 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.

Title IX Coordinator

The "responsible employee" is now usually called the Title IX coordinator. Students and employees must be notified of the name, office address, and telephone number of this person. This information should also be supplied to parents.

The Title IX coordinator is supposed to coordinate the district's compliance effort with regard to Title IX and to investigate any complaints brought by students or employees charging sex discrimination under its regulations.

(b) *Complaint procedure of recipient.* A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Grievance Procedures — for students and for employees must be adopted and published.

See Guide on Grievance Procedures.

§ 86.9 Dissemination of policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that is required by title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to § 86.8, or to the Director.

Getting the Word Out

The district must send a written notice to all students, to parents and to all employees that it does not discriminate on the basis of sex and that it is required by law not to discriminate on the basis of sex in the programs and activities it operates.

This notification must also be sent to collective bargaining agencies and to those who may refer applicants for employment or admission.

(2) Each recipient shall make the initial notification required by paragraph (a)(1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) Local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) memoranda or other written communications distributed to every student and employee of such recipient.

The policy must be well publicized and must include publication in local newspaper and school publications, including student newspapers, as well as the direct written communication with students, parents, and employees.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

Your district and individual schools must carry a statement of nondiscrimination on the basis of sex "prominently" in every bulletin, handbook, announcement, application form, or on any material which is used to recruit either students or employees. This should be done on a continuing basis.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

The district or individual schools cannot use or distribute any material which suggests by words or pictures that students or employees are treated differently on the basis of sex.

Note: All of these steps must be carried out on a "continuing" basis.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Subpart B

Subpart B—Coverage

§ 86.11 Application.

Except as provided in this subpart, this Part 86 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Director a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Exemptions

Educational institutions controlled by religious organizations are exempt only to the extent that Title IX compliance would be inconsistent with their religious beliefs. This would not, of course, apply to public schools.

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

United States military and merchant marine training schools are exempt.

§ 86.14 Membership practices of certain organizations.

(a) *Social fraternities and sororities.* This part does not apply to the membership practices of social fraternities and sororities which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education.

(b) *YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.* This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.

(c) *Voluntary youth service organizations.* This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; Sec. 3(a) of P.L. 93-568, 88 Stat. 1862, amending Sec. 901)

Student clubs or organizations which are sponsored by public schools cannot have sex segregated membership. In addition, the school may not cooperate with other organizations for youth which have sex segregated membership unless:

they are the YMCA, YWCA, the Boys Scouts, Girl Scouts, Campfire Girls or

—they are a voluntary youth service organization which can demonstrate 1) tax exempt status, 2) membership which has always been single sex and 3) memberships mainly of persons less than nineteen years old.

High school fraternities and sororities are not exempt unless they demonstrate the above qualifications.

See Guide on Customs and Rules.

§ 86.15 Admissions.

(a) **Admissions to educational institutions prior to June 24, 1973, are not covered by this part.**

(b) ***Administratively separate units.*** **For the purposes only of this section, § 86.16, § 86.17, and Subpart C, each administratively separate unit shall be deemed to be an educational institution.**

(c) ***Application of Subpart C.*** **Except as provided in paragraphs (d) and (e) of this section, Subpart C applies to each recipient. A recipient to which Subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.**

(d) ***Educational institutions.*** **Except as provided in paragraph (e) of this section as to recipients which are educational institutions, Subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.**

(e) ***Public institutions of undergraduate higher education.*** **Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.**

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Admissions

No one can be barred on the basis of sex from admission to:

vocational education programs or schools;

professional education, such as law school or medical school;

any graduate school;

any publicly supported undergraduate school receiving Federal funds.

People can be barred on the basis of sex from:

public colleges which have traditionally and continuously had a student body of only one sex;

private undergraduate schools.

Even though some schools are allowed to discriminate on the basis of sex in their admission policy, they must meet all Title IX requirements for sex fair treatment of any students they do admit.

§ 86.16 Educational institutions eligible to submit transition plans.

(a) ***Application.*** **This section applies to each educational institution to which Subpart C applies which:**

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.

(b) ***Provision for transition plans.*** **An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of Subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.17, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.**

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Transition Plans

This section no longer applies.

Congress gave some single-sex institutions more time to integrate if they had a plan approved by June 1973. No school did, so this will not apply to your school.

§ 86.17 Transition plans.

(a) *Submission of plans.* An institution to which § 86.16 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students and, if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which § 86.16 applies shall result in treatment of applicants to or students of such recipient in violation of Subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 86.16 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.18–86.20 [Reserved]

Subpart C

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.16 and 86.17.

(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies shall not:

Admissions and Recruitment

This section spells out some of the methods schools may **not** use to get around the ban on discrimination in admissions. For public school the prohibitions would most likely apply to advanced placement programs, vocational programs or any other special programs the school might offer to which students have to apply for admission.

(i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

Listing girls and boys separately and taking the top 20, say, from each list is prohibited. It is prohibited because if the lists were integrated it might turn out that the top 40 contained 25 girls' names and 15 boys' names—or the other way around.

(ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) Otherwise treat one individual differently from another on the basis of sex.

No numerical limitations means no quotas for boys or girls, or ratios of boys to girls.

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

Any test or criterion which tends to lead one sex into a program or activity and lead the other sex away has a "disproportionately adverse effect on persons on the basis of sex."

If that is the kind of test your school is using, it will have to prove that the test predicts validly on success in whatever field or education program the test is designed for. That is, that those who get high scores on the tests are the **only** people who do well in the program or activity that the test is testing ability for. The school would also have to demonstrate that there is no other unbiased test or criterion they could use instead.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

School admission policies cannot consider whether students are married, or whether they have children, unless the school treats this information in exactly the same way for male and female students. An interesting word here is "potential." Over time, many girls have been discriminated against because it was believed that their education was not as important because they were potentially going to get married and have children.

(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

Students cannot be discriminated against in admissions or excluded in any way because they are or have been pregnant. Pregnancy must be treated as any other temporary disability is treated, as must childbirth, termination of pregnancy or the recovery period.

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Any questions concerning marital status which are used to screen students out of any school program would be a violation of Title IX. "Miss" or "Mrs." on an application form would be illegal. A school may ask the sex of a student if it asks both boys and girls, and if it doesn't use the information to discriminate against the students.

§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

This section would probably apply only to postsecondary schools. See Guide on Opening the Doors.

§ 86.23 Recruitment.

(a) *Nondiscriminatory recruitment.* A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § 86.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 86.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Recruitment

Recruitment would not seem to have much to do with public school, where attendance is required. However, it would apply to vocational education programs, advanced placement programs or any other special program to which the district, or individual schools, recruit students as participants.

§§ 86.24–86.30 [Reserved]

Subpart D

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a recipient, to which Subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

What Happens in the Schools

Girls and boys attending American public schools are rarely sex segregated into different buildings. However, within the buildings they both attend, girls and boys have often been segregated on the basis of sex in classes and other school activities. That segregation is now forbidden by Title IX. This prohibition covers:

classes, including physical education;

extracurricular programs and activities, including athletics;

occupational and vocational training;

services, aids or benefits such as counseling, coaching, or awards;

rules of behavior or disciplinary actions that treat boys and girls differently.

Note that your school may not cooperate with any agency, organization or person that discriminates on the basis of sex in providing help, benefits or service to those students.

This is a fail-safe provision, covering situations not specifically cited, which it would be well to remember.

(c) ***Assistance administered by a recipient educational institution to study at a foreign institution.*** A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution; ***Provided***, a recipient educational institution which administers or assists in the administration of such scholarships, fellowship, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

Studying Abroad

There will be more on scholarships in Section 86.37. This section deals with scholarships offered for study abroad by a foreign government or a foreign legal instrument, such as a trust or a will. If such a scholarship is offered to students of one sex only, a high school may help in administering it only if the school makes similar opportunities available to the excluded sex. Help by the school might include posting notices or screening students.

(d) ***Programs not operated by recipient.*** (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

When Outsiders Work with the Schools

Schools often cooperate with other organizations in education programs or activities which are not run entirely by the school. The cooperative education programs of vocational education, exploratory career education activities, programs sponsored by local or national organizations, and training programs for employees would all fall under this category.

(2) Such recipient;

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activtiy takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

Under Title IX, the district is required to make certain that the outside sponsor of these activities is obeying Title IX regulations in the same way the school would be required to obey if it was running the activity.

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

If the outside sponsor is discriminating on the basis of sex, the school must stop participating in the program.

See Guides on Vocational Education, Counseling, and Employment.

§ 86.32 Housing.

(a) *Generally.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.* (1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) Proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(Secs. 901, 902, 907, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1686)

Housing

Probably the only way housing would apply to public schools would be through use of education dollars for special students who require special live-in arrangements.

Housing for male and female students may be separate but must be comparable with regard to fees, services, availability, benefits, comparability, and rules and regulations.

These requirements apply not only to special housing run by the institution, such as dormitories, but to any community housing listed and approved by the institution.

§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)

Separate but Equal Facilities

Locker room facilities, toilets and showers may, of course, be separate for girls and boys. However they must be comparable to each other so that one sex does not have much better facilities or fewer extras. Schools sometimes paid more attention to boys' locker rooms on the grounds that boys "needed" better facilities because they were more involved in sports. Now this would be a violation of Title IX.

See Guides on Athletics and Physical Education.

§ 86.34 Access to course offerings.

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Access to Courses

Schools may neither require nor refuse participation in a course to their students on the basis of sex alone. This prohibition includes:

Physical education;

Health education;

Vocational and technical education;

Home economics, industrial and business education;

Advanced placement courses;

Adult education classes.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

Integration of physical education at the elementary school level is required to be completed by July 21, 1976 and at the secondary school level by July 21, 1978. The delay in compliance at the upper level is not a waiting period and is only allowed if there are compelling reasons requiring delay which the schools are working to eliminate.

All other courses were required to be integrated immediately.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

In physical education classes students may be (which is not the same as must be) grouped by ability. However, ability grouping can only be set up by developing objective standards of performance and by checking individually to see if each student meets the standards set for a particular ability group. Therefore, to assume that all boys are in one ability group and all girls in another would be a violation of Title IX.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

Students in the same class may, not must, be separated within the class during that portion of time they are playing contact sports (identified as boxing, wrestling, rugby, ice hockey, football, and basketball). However, while teaching skills, rules and so on, when major bodily contact is not involved, the classes must remain integrated.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

Standards for measuring skill and progress must be established in a way that does not discriminate on the basis of sex. For example, skill in broad jumping, determined only by number of feet covered, might discriminate against some boys of elementary school age when girls of the same age are, on average, taller, and against some girls at the senior high level when boys are, on average, taller. Nondiscriminatory standards must be developed.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

For just that portion of a class which deals exclusively with human sexuality, girls and boys may be (which is not the same as must be) separated. To separate all health education classes or human biology classes on the basis of sex would be a violation of Title IX.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

HEW has interpreted this section to mean that schools may have a separate boys' glee club or girls' chorus, provided both sexes have similar opportunities. For example, to support a boys' chorus by providing a teacher, publicity, transportation to concerts and so on, without providing similar support to a girls' chorus, would be a violation of Title IX.

See Guides on Opening the Doors, Physical Education, Vocational Education, and Counseling.

§ 86.35 Access to schools operated by L.E.A.s.

A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(a) Any institution of vocational education operated by such recipient; or

Access to Schools

L.E.A. means Local Education Agency, which means your school district.

Your L.E.A. may not bar girls or boys from any vocational program or school on the basis of their sex for any reason whatsoever.

(b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(Sections 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

There are a few sex separate, regular public schools in America. If one of these is in your district it is illegal unless the school district makes available another comparable school for the girls (or boys who are not allowed to go to the exclusive school). Comparable in this instance means:

1. comparable in policies and criteria for admission;
2. for **each** course, service, benefit, and facility offered in one school, a comparable one must be offered in the other.

This section has implications for the treatment of pregnant students which will be covered in Section 86.40.

§ 86.36 Counseling and use of appraisal and counseling materials.

(a) *Counseling.* A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.

(b) *Use of appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.

(c) *Disproportion in classes.* Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

Counseling and Counseling Materials

Counseling or guidance services which treat students differently on the basis of sex are a violation of Title IX.

Schools must set up some kind of procedure to review tests and other materials which are used to make judgements about students, to be certain that these tests and materials do not discriminate against students because of their sex.

Sometimes classes in math, science, music or art, or in vocational training programs, end up with a student population that tips heavily towards girls or boys. When this happens, the school is required to take whatever steps are necessary to be certain that:

1. the tests or appraisal methods,
2. the interpretation of those appraisals, or
3. advice or suggestions by counselors, teachers or any other school staff

are not the cause of the disproportionate placement of one sex or the other in certain classes.

Be aware that "counseling materials" cover much more than tests, and include pamphlets and books on educational opportunities, careers and occupations, and on many facets of personal growth and aspirations.

If these materials discriminate in the way they treat girls and boys or women and men, or if the counselors base their counseling on stereotypes which affect the counseling process in a discriminatory manner, it would be a violation of this section of the regulation.

See Counseling Guide.

§ 86.37 Financial assistance.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; (2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) *Financial aid established by certain legal instruments.* (1) a recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; *Provided,* that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) To ensure nondiscriminatory awards of assistance as required in subparagraph (b)(1) of this paragraph, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under subparagraph (b)(2)(i) of this paragraph; and

(iii) No student is denied the award for which he or she was selected under subparagraph (b)(2)(i) of this paragraph because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(c) *Athletic scholarships.* (1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 86.41 of this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

Financial Assistance

This is applicable primarily to colleges and universities. However, high schools should be aware of it because they are not allowed to solicit, list, approve or assist — with facilities or services — any kind of financial aid which discriminates against students on the basis of their sex (unless the financial assistance is being awarded by a legitimately single-sex postsecondary institution).

This section applies to those giving the awards or financial assistance, and probably would not apply to public schools. However, they should pay attention to (i) and not participate in a screening process which discriminates on the basis of sex.

Athletic scholarships are seldom, if ever, awarded by public schools. However, high schools often cooperate in providing information about athletic scholarships offered by colleges and universities. Frequently these scholarships are offered only to members of all-male teams. This is legal; but it then becomes the high school's responsibility to seek scholarships for girl athletes as well, so that equality of opportunity is maintained.

§ 86.38 Employment assistance to students.

(a) *Assistance by recipient in making available outside employment.* A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) *Employment of students by recipients.* A recipient which employs any of its students shall not do so in a manner which violates Subpart E.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Student Employment

Schools often are used by local employers in seeking students part-time or full-time work. Before a school can assist the employe manner, even to the extent of listing a job opening on a bulletin b school must assure itself that the potential employer does not disc employment on the basis of sex. The school cannot aid any person organization that discriminates on the basis of sex.

If the school offers employment itself, say in cleaning up a hig lab, or working in the office during lunch time, it must offer equal employment opportunities and equal pay to girls and boys.

The school cannot discriminate against student employees on of sex any more than they can discriminate against adults.

§ 86.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Insurance

Many public schools have accident policies for their students, probably do not discriminate on the basis of sex, although it woul read over the policies to be sure. Where there may be some discri in the protection offered girls and boys as they participate in athle under the school's sponsorship. The school must ensure that girl a as protected as the boy athletes.

It is possible that some schools may allow insurance compani the parents of students with a view to buying medical insurance. being done, these policies must offer the same full coverage to gir Remember, schools cannot help anyone to discriminate against the

§ 86.40 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

Marital or Parental Status

Neither school districts nor individual schools can set up any treat girls differently than boys because they are married, or becau parents, or because they may get married or become parents. This requirement affects not only academic programs, but also any extr activities or awards operated or sponsored by the school.

(b) *Pregnancy and related conditions.* (1) A recipent shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

Neither school policy nor informal arrangements may exclude or treat her differently because of pregnancy, childbirth, false preg termination of pregnancy, or recovery period. As with marital and status, the pregnant student cannot be kept out of any program, extracurricular activity operated or sponsored by the school simply she is pregnant.

Even if the district maintains a separate program for pregnant cannot require pregnant students to attend such a program. Such may be offered only on a completely voluntary basis. Any requirem the district, or pressure by school personnel, for a pregnant studen such a program would be a violation of Title IX.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

Schools may not require notes from physicians before allowin students to take part in any program or activity, unless notes are r from all other students who are seeing physicians for physical or e conditions.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b) (1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

Any special programs set up by the district for pregnant students must have academic instruction which is comparable to that offered non-pregnant students. The program must meet the needs of pregnant students at all grade levels in all courses of study including mathematics, science, languages, physical education, electives, and so on.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

If your school offers or participates in any medical or hospital plan or policy for its students, then those plans must treat pregnancy the same as any other temporary disability. If pregnancy is excluded, or not treated as any other temporary disability, the school cannot use that policy, or cooperate in making it available to its students.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Some schools have a leave policy which covers temporary disabilities, telling how many days a student can be out and what must be done to get back in, and so on. Leave for disabilities a person experiences while pregnant, or any pregnancy-related concern such as childbirth, false pregnancy, termination of pregnancy, and the recovery period, must all qualify as a reason for leave under the school policy.

If there is no leave policy, then students must be allowed leave for pregnancy and its related conditions for whatever length of time the student's physician deems medically necessary.

When a student returns to school after a pregnancy-related absence, she must be reinstated to the status she had when she took leave. Schools which expell or refuse to readmit such students would, of course, be in violation of Title IX.

Note that if your school district offers what is generally called "homebound instruction" to those students who have to remain at home for a period of time, that service must be made available to the student who is out of school because of a pregnancy-related disability. This is important for keeping up and getting back in at the same level.

See Guide on the Pregnant Student.

§ 86.41 Athletics.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

Athletics

No athletic programs or clubs, whether intermural or intramural, can be set up to exclude one sex or treat one sex differently from the other.

(b) *Separate teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

Within integrated athletic programs, schools may (which is not the same as must) have separate teams for girls and boys only if team members are chosen on the basis of competitive skill or the team activity is a contact sport.

However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose of major activity of which involves bodily contact.

However, even if the selection for the team is based on competitive skill, girls must be allowed to try out for the team in noncontact sports if the school doesn't sponsor a girls' team in the same sport and if athletic opportunities for girls at that school have been limited in the past.

For example, suppose that a school has fielded five teams for boys and two teams for girls in the past, so that overall opportunities for girls have been limited. If there is no girls' track team, girls must be allowed to try out for the boys' track team.

If the team in question is in a contact sport — basketball, football, ice hockey, boxing, rugby and wrestling — then the school can (which is not the same as must) bar girls from trying out. Even if boys have five contact sport teams and girls have no teams, and girls' opportunities had also been limited in the past, they still could be barred from trying out for, say, the boys' basketball team.

(c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

While girls may be barred from some teams, Title IX requires that schools provide girls with athletic opportunities that match their own interests and abilities. In many sports, that is likely to be accomplished best by having a girls' team, as well as a boys' team.

Equal opportunity is required for both sexes in interscholastic athletics, school clubs and intramural games sponsored by the school.

That means HEW will make judgments on how well your district is doing on equal opportunity by checking on the schools' efforts in the following areas:

(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

Are the interests and abilities of both sexes in athletics being accommodated?

(ii) The provision of equipment and supplies;

Are girls' and boys' teams provided equally with equipment and supplies, including "extras" such as whirlpools?

(iii) Scheduling of games and practice time;

Do girls' and boys' teams play as many games? Do they both get games scheduled in "prime time" Friday night or Saturday afternoon? Do girls' and boys' teams have equal opportunity to get desirable practice time, say, use of the gym right after school, rather than only early in the morning?

(iv) Travel and per diem allowance;

If boys get travel funds and paid meals for away-from-home games, girls must get the same benefits.

(v) Opportunity to receive coaching and academic tutoring;

Do girls' teams get as much coaching? For example, are there 30 girls in the basketball team with one coach, whereas the 30 boys have varsity and junior varsity with two coaches?

(vi) Assignment and compensation of coaches and tutors;

Do coaches of girls' teams and girls' tutors get paid the same amount as coaches and tutors for boys' team members? Are as many coaches and tutors assigned to girls' teams?

(vii) Provision of locker rooms, practice and competitive facilities;

Are locker rooms, and the facilities where the teams practice and compete, equal for girls and boys? If there is a new gym, who uses it?

(viii) Provision of medical and training facilities and services;

Is medical help available to the girls' teams? If boys' teams have training facilities and services in the high schools, are the same things available to girls?

(ix) Provision of housing and dining facilities and services;

For public schools, this would probably involve only away-from-home games.

(x) Publicity.

Teams of both sexes must be supported by equal publicity efforts, including announcements, pep rallies, press releases, and so on.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

HEW does not require dollar for dollar equity between what is spent on girls' and boys' separate athletic activities. However, they will weigh in the balance the "failure to provide necessary funds" so that opportunities end up equal.

(d) *Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

Elementary school athletic activities were required to be in full compliance with Title IX by July 21, 1976 and at the secondary level by July 21, 1978. The delay in compliance at the upper level is not a waiting period and is only allowed if there are compelling reasons requiring delay which the school is working to eliminate.

You will want to check to see if your state goes **beyond** Title IX and requires even more equality. For example, some state laws, regulations or court rulings do not allow girls to be barred from mixed contact sports. If your state calls for **more** equality, Title IX does not stand in the way. Title IX protects against giving **less** equality.

§ 86.42 Textbooks and curricular material.

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Testbooks and curricular materials are not covered by Title IX. See Resources list, pages four and five, for information on this subject.

§ 86.43–86.50 [Reserved]

Subpart E

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.51 Employment.

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

Employment

Both full-time and part-time professional and support staff employees of your school district are protected by Title IX from sex discrimination in any aspect of the employment process, including recruitment, consideration, and selection.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

Schools cannot separate or classify employees or applicants for jobs in a way which would limit their opportunities on the basis of sex. For example, it would be a violation of Title IX to recruit only male applicants for the job of coach of the boys' basketball team, or to eliminate the female assistant high school principal from consideration for the job of principal because of a belief that the job should be held by a man.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this Subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

Neither the school district nor any individual school can enter into or continue any contractual, formal, or informal agreements which discriminate against its employees or students on the basis of sex. This responsibility to its employees extends to any relationship the schools or the district have with teachers' organizations, employment and referral agencies, labor unions, or the organizations which provide or administer fringe benefits such as medical or pension plans.

(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

If your school has preferred, for example, to hire principals or coaches who have attended military schools, or had experience at some other kind of single-sex institution, that probably would be a violation of Title IX unless the district could show that such a preference did not discriminate against other potential employees on the basis of sex.

(b) *Application.* The provisions of this subpart apply to:

Schools are responsible for the sex fairness of the entire employment process, from recruitment to retirement benefits. Title IX's prohibition against sex discrimination in employment covers:

(1) Recruitment, advertising, and the process of application for employment;

1 processes prior to employment, such as recruitment, referral, advertising and application procedures;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;

2 hiring, firing and processes during employment such as promotion, tenure, and nepotism policies;

(3) Rates of pay or any other form of compensation, and changes in compensation;

3 salaries or other policies;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.53 Recruitment.

(a) *Nondiscriminatory recruitment and hiring.* A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(b) *Recruitment patterns.* A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

4 classifications and assignments, such as having to be a coach of a boys' team before being considered for a principalship;

5 collective bargaining agreements for both professional and non-professional staff;

6 pregnancy, pregnancy-related disability, and leave to care for children;

7 fringe benefits;

8 opportunities and financial support for training, academic leave, professional meetings, and leaves of absence for professional development;

9 social or recreational programs sponsored by the school or the district cannot be "for men only" or "for women only";

10 anything that affects the employment process may not discriminate on the basis of sex.

Employment Criteria

Tests or other standards for employment which benefit one sex to the detriment of the other are a violation of Title IX unless they are proven to predict success in job performance **AND** no other method of making a judgment on successful performance is available. The regulation says these tests must "predict validly" successful performance — a research term which depends on objective empirical evidence that something is true. The past experience of one school district would not constitute adequate, objective, empirical evidence.

Recruitment

If your school district's self evaluation has found discrimination in the recruitment or hiring process, the district or school "shall recruit" from among those who have been discriminated against.

If your school district has usually sought candidates for certain positions from single-sex institutions, such as military schools, they can no longer do this under Title IX when the result is to give preference to one sex.

§ 86.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

Neither the district nor individual schools can maintain separate pay scales based on sex.

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

When jobs require the same amount of skill, effort, and responsibility, and are carried out under similar working conditions, the pay cannot be less for members of one sex.

§ 86.55 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

Jobs cannot be identified as being for one sex or the other.

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

Formal or informal double standards establishing different promotion tracks for women and men, or different tenure systems based on sex, are a violation of Title IX.

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.61.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Title IX identifies only two positions for which sex is a **bona fide** (good reason, or legitimate) job qualification: Section 86.61 mentions locker room attendant and toilet attendant. That's all. Not counselor, coach, principal, building engineer or janitor.

§ 86.56 Fringe benefits.

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of § 86.55.

Fringe Benefits

Covered under fringe benefits are things such as:

leave policies;

retirement plans;

profit sharing and bonus plans;

insurance such as medical, hospital, accident or life insurance;

any benefit or service which comes to an employee other than as direct pay.

(b) *Prohibitions.* A recipient shall not:

(1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

Fringe benefits must be made available in the same manner to all employees, and to wives or husbands of all employees. If the family of a female employee is not eligible for coverage by a medical insurance plan while the family of a male employee is, that would be a violation of Title IX.

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or

The regulation requires that employer contributions to fringe benefit plans be equal for men and women, or that benefits be equal for men and women.

(3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Plans which provide either optional or compulsory retirement ages which are different on the basis of sex would be in violation of Title IX.

§ 86.57 Marital or parental status.

(a) *General.* A recipient shall not apply any policy or take any employment action:

(1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) *Pregnancy.* A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) *Pregnancy as a temporary disability.* A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) *Pregnancy leave.* In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Marital or Parental Status

Women have often been refused jobs or promotions to more responsible positions because of employers' notions about the effect of their marital status or family responsibilities on job performance. Hiring and promotion decisions based on such considerations are now a violation of Title IX.

Women have often been discriminated against because their work careers were thought to be less important, and their financial needs less compelling, because the "head of the household" or the "principal wage earner" in their family was assumed to be a man. Under Title IX, no job actions can be taken based on a person's family status, financial contribution to their family, or their status or lack of status as "head of household."

Pregnancy, or any of its related conditions, cannot be a reason for excluding a woman from being hired or promoted, or from carrying out her regular duties as long as she is able.

The school must establish a pregnancy policy on such matters as leave, disability income, seniority, reinstatement and fringe benefits which treats disabilities stemming from pregnancy or related conditions the same as any other temporary disability.*

If the school district doesn't have a leave policy, or if the pregnant employee has not accrued enough time to benefit from the policy, the school must give her leave of absence without pay for a reasonable period of time. When she comes back to work she must be reemployed at the same status she held when she left, or to a comparable position. Fathers are guaranteed the same maternity leave rights as mothers.

The district cannot downgrade either parent with regard to salary, promotional opportunities or "any other right or privilege of employment."

§ 86.58 Effect of State or local law or other requirements.

(a) *Prohibitory requirements.* The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) *Benefits.* A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

State Or Local Laws Or Requirements vs. Title IX

Title IX takes precedence over all state and local laws, or any other requirements which discriminate against one sex or the other with regard to employment. For example, if a state law said women could only work until 9 p.m. and the high school library was open until 10 p.m. to accommodate adult education classes, then the state law which would require a male librarian from 9 to 10 p.m. would be invalid, and the librarian could be a woman under Title IX.

If the school district provides any benefits to a particular sex through a state or local law, then the district must provide the same benefits to the excluded sex or the benefits must be discontinued.

*A 1977 court decision in the Eastern District of Michigan found that a pregnant employee could not use sick leave for maternity leave. HEW, however, has announced that outside the jurisdiction of the Eastern Michigan U.S. District Court, HEW will process Title IX complaints "as usual" and will not alter their procedures in any way.

§ 86.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a *bona-fide* occupational qualification for the particular job in question.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Advertising

Except for the **bona fide** job qualification of a certain sex for locker room or toilet room attendant, the school district cannot advertise for a woman or a man to fill any particualr job.

§ 86.60 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

Pre-Employment Inquiries

School districts or school personnel acting for the district cannot make any pre-employment inquiry about whether or not a person is married. Carrying "Miss" or "Mrs." on the district employment application forms is a violation of Title IX.

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Employers can ask the sex of an applicant if it is asked of both men and women, and if the information is not used to carry out any discriminatory activities with regard to the employment process.

§ 86.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

BONA FIDE Occupational Qualifications

Folklore concerning how women and men behave and perform as employees cannot be used as a basis for selection of one sex or the other for any job. Neither can consideration be given to the preferences of the employer, supervisor, other employees, or the students for a person of a particular sex in a particular job. None of the above constitute **bona fide** occupational qualifications.

Once more, the only two jobs suggested as having **bona fide** occupational reasons for one sex or another are locker room attendant or toilet room attendant.

In regard to the former position, remember that coaches and physical education instructors are not hired for their work in the locker rooms, but for their skill in athletic and physical education training. Therefore, the sex of coaches or physical education instructors is not a **bona fide** occupational qualification.

See Employment Guide.

§§ 86.62–86.70 [Reserved]

Subpart F

Subpart F—Procedures [Interim]

§ 86.71 Interim procedures.

For the purposes of implementing this part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to title IX and other civil rights authorities administered by the Department, the procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 45 CFR §§ 80–6—80–11 and 45 CFR Part 81.

HEW is in the process of unifying the technical procedures for enforcing all civil rights laws, including Title IX. Until that work is completed, Title IX will be implemented by the HEW Office for Civil Rights under provisions applicable to Title VI of the Civil Rights Act of 1964.

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Public Law 92-318
92nd Congress, S. 659
June 23, 1972

TITLE IX—PROHIBITION OF SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

SEC. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act, nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

FEDERAL ADMINISTRATIVE ENFORCEMENT

SEC. 902. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 901 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

JUDICIAL REVIEW

SEC. 903. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 902, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

PROHIBITION AGAINST DISCRIMINATION AGAINST THE BLIND

SEC. 904. No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

EFFECT ON OTHER LAWS

SEC. 905. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

AMENDMENTS TO OTHER LAWS

SEC. 906. (a) Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c-6(a)(2), 2000c-9, and 2000h-2) are each amended by inserting the word "sex" after the word "religion".

(b)(1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

(2) Paragraph (1) of subsection 3(r) of such Act (29 U.S.C. 203(r)(1)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

(3) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

INTERPRETATION WITH RESPECT TO LIVING FACILITIES

SEC. 907. Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.

Peer

Resources for Ending Sex Bias in the Schools

This selected, introductory listing of books and other resources aims to help educators, parents and community groups recognize sex bias in an educational setting, understand how it does harm, and take effective action against it. The focus is kindergarten through high school. Book prices are for paperback editions unless otherwise noted. **Order from the address or publisher indicated.** Please note: These materials were available as of May 1977. **Publications you can order direct from PEER are described on page six.**

Women and Men in America

A few books offered as an introduction to the broad subject of women's history, feminism, and sex role stereotyping.

Absent From the Majority: Working Class Women in America. Nancy Seifer. 1973. Sensitive portrayal of white working class women. Discusses effects of change on traditional family, community and work lives, and urges inclusion of these women in the feminist movement. Institute on Pluralism and Group Identity, 165 E. 56th St., New York, NY 10022. 85 pp. $1.25.

Black Women in White America: A Documentary History. Gerda Lerner. 1972. Powerful collection of original writings on slavery, the struggle for education, sexual exploitation, making a living, prejudice, pride and black womanhood. Vintage Books, NY. 630 pp. $3.95.

The Feminist Papers. Alice Rossi. 1973. Thirty-two selections from 200 years of feminist thought and action. Excellent introductory essays. Bantam, NY. 716 pp. $1.95.

The Liberated Man: Beyond Masculinity: Freeing Men and Their Relationships with Women. Warren Farrell. 1974. How the masculine value system hurts men, too. Barriers to bringing about change in the everyday lives of men and women, and some ways of overcoming them. Bantam, NY. 380 pp. $1.95.

The New Feminism. Lucy Komisar. 1971. Primer on the women's movement for teenagers. Warner, NY. 206 pp. $1.25.

Rebirth of Feminism. Judith Hole and Ellen Levine. 1971. Well organized, easy-to-read orientation to the history and ideas of the current women's movement. Somewhat dated (pre-Title IX), but useful. Quadrangle, NY. 488 pp. $4.50.

Sex Bias in the Schools: An Overview

And Jill Came Tumbling After: Sexism in American Education. Judith Stacey, Susan Bereaud, and Joan Daniels, eds. 1974. A handy comprehensive set of essays on the way schools foster sex bias and damaging sex role stereotypes. Emphasis on kindergarten through high school. Dell, NY. 461 pp. $1.75.

The Influence of Sexism on the Education of Handicapped Children. Patricia H. Gillespie and Albert H. Fink. **Exceptional Children**, Vol. 41, No. 3, Nov. 1974. Available from PEER. See page six.

Math & Sex. John Ernest. April 1976. Readable essay traces how sex stereotyping, by steering girls away from math, locks young women out of science, engineering and other math-related careers. The author, Math Dept., Univ. of California, Santa Barbara, CA 93106. 30 pp. Free.

Sex Equality in Schools. Sex Equality in Educational Administration. Sex Equality in Educational Materials. American Association of School Administrators. 1975. Three well-written handbooks for school administrators. Contrast traditional sex stereotyping with the needs of individuals and changes in society. Action suggestions. AASA Publications Div., 1801 North Moore St., Arlington, VA 22209. 18-25 pp. each. $1.00 each; $2.50/set.

Sexism and Youth. Diane Gersoni-Stavn, ed. 1974. Anthology covers "socialization/indoctrination," "dear old sexist school days," and sex bias in books, media, toys and games. Excerpts from some classic pieces on sexism in schools. R. R. Bowker, NY. 468 pp. $11.95. Hardcover.

PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Ave., NW, Suite 800, Washington, D.C. 20005. (202) 332-7337. Project Director: Holly Knox. Associate Director: Clelia Steele. Project Staff: Ricardo Carbacho, Beth Comarow, Robin Gordon, Lynda Weston.

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Sexism in School and Society. Nancy Frazier and Myra Sadker. 1973. Primarily for teachers and teacher-trainers. Explores rise of the "new feminism," what it's all about, sexism in schools, and "a positive approach for educators." Harper & Row, NY. 215 pp. $4.95.

Unlearning the Lie: Sexism in School. Barbara Grizzuti Harrison. 1973. Penetrating account of the experience of parents and teachers who confronted sex bias (and each other) at a private school in Brooklyn, NY. Focuses on human relations: black and white, women and men, parents and teachers. Morrow, NY. 176 pp. $2.95.

"When I Grow Up . . ." Preparing for the Work World

Counseling

Handbook for Workshops on Sex Equality in Education. Mary Ellen Verheyden-Hilliard. How to run a workshop on sex equality in schools, with background information on the socialization of children and sex bias in education and the workplace. Based on experience of the Sex Equality in Guidance Opportunities (SEGO) Project of the American Personnel and Guidance Assoc. Women's Program Staff, U.S. Office of Education, 400 Maryland Ave., SW, Room 3121, Washington, DC 20202. Single copies free.

Help Wanted: Sexism in Career Education Materials. Women on Words and Images. 1975. Summarizes research results on sex bias in career education materials. Offers advice to counselors and teachers on counteracting it, and sources of further information, including films and slide shows on sex bias in education. WWI, P.O. Box 2163, Princeton, NJ 08540. 51 pp. $2.50.

Issues of Sex Bias and Sex Fairness in Career Interest Measurement. Esther E. Diamond, ed. Spring 1975. Series of papers with a clear introductory overview. Includes guidelines for assessing sex bias in career interest tests, a discussion of black women and career expectations, and more. Education and Work Group, National Institute of Education, Washington, DC 20208. 219 pp. Single copies free.

The Myth of Happily Ever After. Sarah Davidson. **Woman's Day,** May 1974. Fascinating account of a YWCA experiment in demystifying the future for a class of young girls using a marriage and career game, with a wheel of fortune to simulate the vagaries of real life. Reprint, YWCA of Los Angeles, Executive Offices, 1215 Lodi Place, L.A., CA 90038. 4 pp. Free. Also ask about their Vocational Readiness Package.

Women and Educational Testing: A Selective Review of the Research Literature and Testing Practices. Carol Kehr Tittle, Karen McCarthy, and Jane Faggen Steckler. 1974. Analyzes widely used achievement and occupational/vocational tests for sex bias in language and content. Surveys technical literature on test bias. Important for school personnel using or making judgments based on these tests. Write Women and Educational Testing, Publications Order Office, Educational Testing Service, Princeton, NJ 08540. 140 pp. $4.00 prepaid.

Vocational Education

Equal Vocational Education. Jane Lerner, Fredell Bergstrom and Joseph E. Champagne. 1976. Final report, readable and informative, of a model program for eliminating the effects of past discrimination in Texas vocational education programs. Concrete information on how the project was set up and how it operated. Center for Human Resources, Univ. of Houston, College of Business Admin., Cullen Blvd., Houston, TX 77004. 96 pp. Single copies free, at least at first.

Federal Education Project Newsletter. Lawyers' Committee for Civil Rights Under Law. Monthly newsletter of a project working to end sex and race bias in federal programs supporting vocational education. Offers up-to-date information on federal legislation, advice for local groups fighting discrimination in these programs, and news of what federal agencies, parents and community groups are doing. Federal Education Project, Lawyers' Comm. for Civil Rights Under Law, 733 15th St., NW, Washington, DC 20005. Free.

Vocational Preparation for Women: A Critical Analysis. JoAnn M. Steiger. Dec. 1974. Available from PEER. See page six.

Women & Work

U.S. Working Women: A Chartbook. U.S. Department of Labor, Bureau of Labor Statistics. 1975. Attractive booklet of charts and graphs depicting the characteristics of American working women and their changing status since 1950. A valuable "ammunition" sourcebook for action groups and important information for counselors. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. 72 pp. Stock #029-001-01780-4. $1.75.

Women's Bureau, U.S. Department of Labor. Information and statistics on women workers, career opportunities and related topics. Some highlights: **1975 Handbook on Women Workers,** a 435-page manual on the economic, civil and political status of women, free; **Facts on Women Workers of Minority Races,** 35c; and **The Myth and the Reality,** about women in the labor force, 25c. Some materials in Spanish. For complete publications list and the **Handbook,** write Women's Bureau, Employment Standards Administration, U.S. Dept. of Labor, Washington, DC 20210. Order materials for which a price is listed from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

—**A Student Guide to Title IX.** Myra Sadker. Lively introduction to a student's rights and responsibilities under the law. Cartoons, too. 45 pp. Stock # 017-080-01710-5. $2.00.

—**Title IX and Physical Education: A Compliance Overview.** Adapted from a manual by Marjorie Blaufarb. Discusses Title IX requirements in physical education and how to meet them. Confronts frequent concerns of physical educators about the implications of the law. 29 pp. Stock # 017-080-01712-1. $1.40.

—**Title IX Grievance Procedures: An Introductory Manual.** Martha Matthews and Shirley McCune. Designed to help institutions evaluate their Title IX grievance procedures and revise them or develop new ones if necessary. 97 pp. Stock # 017-080-01711-3. $2.50.

—**Why Title IX?** Martha Matthews and Shirley McCune. Documents the existence of sex discrimination in schools. 8 pp. Stock # 017-080-01670-2. $0.35.

Equal Pay Under the Fair Labor Standards Act. U.S. Department of Labor, Wage and Hour Division. 1974. A brief introduction to the Equal Pay Act of 1963, which bars sex discrimination in pay and benefits: jobs covered, provisions of the law, and four tests with illustrations to use in identifying discrimination. U.S. Department of Labor, Employment Standards Administration, Washington, DC 20210. 8 pp. Free.

Peer Perspective. Quarterly newsletter. Available from PEER. See page six.

Project on the Status and Education of Women, Association of American Colleges, 1818 R St., NW, Washington, DC 20009. A clearinghouse of information on women in higher education. Many materials also relevant for elementary and secondary schools, particularly their publications on athletics, women and film, and Title IX. Single copies only, free.

Stalled at the Start: Government Action on Sex Bias in the Schools. PEER. 1978. Available from PEER. See page six.

Summary of the Regulation for Title IX Education Amendments of 1972. PEER. 1976. Available from PEER. See page six.

Title IX Line: The Program for Educational Opportunity Newsletter. The University of Michigan School of Education. Published periodically. Each issue explores one aspect of Title IX and offers suggestions to help school districts comply. Single copies of back issues available on self evaluation (No. 5) and the role of the Office for Civil Rights in administering Title IX (No. 6). Write Title IX Line, School of Education, The Univ. of Michigan, Ann Arbor, MI 48104. Free.

Title IX: How it Affects Elementary and Secondary Education. Equal Rights for Women in Education Project, Education Commission of the States. Feb. 1976. Attractive booklet designed to assist school districts in complying with Title IX. Summarizes key provisions of the regulation, and offers implementation suggestions. Publications Desk, Education Commission of the States, Suite 300, 1860 Lincoln St., Denver, CO 80203. 35 pp. $2.00. Other useful publications also available from the Equal Rights Project.

Title IX materials from the U.S. Department of Health, Education and Welfare:

—**The law** itself.

—The **Title IX regulation.** With a factsheet and examples of practices illegal under Title IX.

—**Sports memorandum.** Sheds some light and more confusion on Title's IX's implications for school sports programs.

—**Elementary and Secondary Division Title IX Manual.** A guide for HEW staff investigating sex discrimination charges, this will also be helpful to educators and community groups working to identify school practices that violate the law.

—**Federal laws and regulations prohibiting sex discrimination.** On a single chart for easy reference—the Equal Pay Act, Title IX, Executive Order 11246, the Equal Credit Opportunity Act, and more. Coverage, provisions and enforcement procedures. Prepared by the Women's Equity Action League.

Write Public Affairs, Office for Civil Rights, Room 5410, 330 Independence Ave., SW, Washington, DC 20201. Free.

Title VII of the 1964 Civil Rights Act. Requires equal opportunity in employment regardless of race, color, religion, sex or national origin. For a copy of the law and implementing regulations, write Equal Employment Opportunity Commission, Office of the General Counsel, 1800 G St., NW, Washington, DC 20506. Free.

Organizing for Action

Sound advice for parents, activists and other community people pressing for change in the schools.

Cracking the Glass Slipper: PEER's Guide to Ending Sex Bias in Your Schools. PEER. 1977. Available from PEER. See page six.

Direct Action Organizing: A Handbook for Women. Midwest Academy. Feb. 1974. 3rd ed. Frank, concise introduction to the realities of organizing to win. Aggressive strategies for the inexperienced but committed organizer. Midwest Academy, 600 West Fullerton, Chicago, IL 60614. 22 pp. $1.25.

Tool Catalog: Techniques and Strategies for Successful Action Programs. American Association of University Women. 1972. Thorough presentation includes goal-setting and organizing, practical advice on dealing with institutions, fact-finding, publicity techniques, and day-to-day organizational matters. Designed for the fledgling AAUW member-activist, but useful for all community groups. AAUW, 2401 Virginia Ave., NW, Washington, DC 20037. 248 pp. $6.50.

Feminist Press, Box 334, Old Westbury, NY 11568. Catalog includes:

—High School Feminist Studies. Florence Howe, ed. 1976. A collection of 23 syllabi for high school women's studies courses, prefaced by a review of sex bias in high school U.S. history and English literature texts. 186 pp. $5.00.

—Nonsexist Curricular Materials for Elementary Schools. Laurie Olsen Johnson, ed. 1974. Packet of materials to guide teachers in enhancing their own and their students' awareness of sexism. Looseleaf format makes it easy for teachers to copy. Among the materials are checklists for evaluating textbooks for sex bias, a student workbook, biographical summaries of important 19th century women, classroom activities and bibliographies. 96 pp. $5.00.

—Strong Women: An Annotated Bibliography of Literature for the High School Classroom. Deborah Silverton Rosenfelt. 1976. Includes anthologies, autobiography/biography, drama, novels, short stories and poetry. Interesting description of each book, and cross-topical index. 64 pp. $1.50.

—Women's Studies for Teachers and Administrators: A Packet of In-Service Education Materials. Merle Froschl, Florence Howe and Sharon Kaylen. 1975. Contains material to help schools start inservice courses on sexism in education and on women in history, literature, and social studies. Includes syllabi, sample curriculum materials, a list of resource groups, and a (not entirely audible) cassette with speech excerpts on women in literature, history and the socialization process. 48 pp. $10.00.

A Guide to Non-Sexist Children's Books. Judith Adell and Hilary Dole Klein. 1976. Listing by approximate grade level of books that "treat boys and girls as people who have the same kinds of frailties and strengths." Covers pre-school through 12th grade. Academy Press, Chicago. 149 pp. $3.95.

Little Miss Muffet Fights Back: A Bibliography of Recommended Non-Sexist Books About Girls for Young Readers. Feminists on Children's Media. 1974. Revised ed. Includes selection criteria and covers picture books, fiction, biography, history and women's rights. Also advice on working for change in children's book publishing and getting your own children's book published. Well written, and very high standards of selection. Feminist Book Mart, P.O. Box 149, Whitestone, NY 11357. 62 pp. $1.00.

Non-Sexist Education for Young Children: A Practical Guide. Barbara Sprung. 1975. Experiences in preschool classrooms applicable to elementary schools. Information on involving parents, creating non-stereotyped environments, early education programs, sources of non-sex-biased books and materials, and a checklist for a nonsexist classroom. Women's Action Alliance, 370 Lexington Ave., New York, NY 10017. 115 pp. $3.25.

Films

Films on the Women's Movement. Gener
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mends other useful listings. GSA, Office
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ing and positive images of women. 218
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Women and Educational Employment

The Forgotten Five Million: Women in Public Employment: A Guide to Eliminating Sex Discrimination. Catherine Samuels. 1975. Provides checklist for recognizing discrimination, detailed advice on documenting it, and in-depth chapters on legal remedies, affirmative action and organizing for power. Much, but not all, applicable to teachers and other public school employees who want to assert their rights. Women's Action Alliance, 370 Lexington Ave., New York, NY 10017. 298 pp. $5.00.

Performance of Women Principals: A Review of Behavioral and Attitudinal Studies. Andrew Fishel and Janice Pottker. **Journal of the National Association for Women Deans, Administrators and Counselors,** Spring, 1975. Dispels myths by listing results of numerous studies, most of which document the special competence of women principals. Single copies of this article, and others on related topics. Center for the Study of Sex Differences in Education, 6208 Crathie Lane, Bethesda, MD 20016. Free.

Sex Discrimination in the Selection of School District Administrators: What Can Be Done? Doris M. Timpano and Louise W. Knight. December 1976. First-hand account of a successful "grass roots" organization working to get more women into administrative jobs in Long Island, New York school districts. Advice on the nitty-gritty of organizing and effecting change. Possible model for other groups. Education and Work Group, National Institute of Education, Washington, D.C. 20208. 65 pp. Free.

Wanted: More Women: Why Aren't Women Administering Our Schools? Suzanne Howard. 1975. "The status of women public school teachers and factors hindering their promotion into administration." Extensive reference list. National Council of Administrative Women in Education, 1815 Fort Myer Dr. No., Arlington, VA 22209. 53 pp. $3.00. Other useful publications.

Athletics

Closing the Muscle Gap. Ann Crittenden Scott. **Ms.** Magazine, Sept. 1974, pp. 49-55, 89. Good short introductory article confronts myths surrounding women's abilities and sports. Reprint, **Ms.** Magazine, 370 Lexington Ave., New York, NY 10017. $1.00.

The Femininity Game. Thomas Boslooper & Marcia Hayes. 1973. "You win the game by losing all the others —tennis, volleyball, chess, you name it." Traces how losing has been a way of life for most women since Aristotle, and challenges women "to learn to win—and win big." Stein & Day, NY. 224 pp. $1.95.

Revolution in Women's Sports. **womenSports** Magazine, Sept. 1974. Lively collage report on all aspects of women and athletics. Includes 10-page action manual for students with advice on "talking back' and "fighting back." **womenSports** Foundation, 1660 South Amphlett Blvd., Suite 266, San Mateo, CA 94402. 24 pp. 35c.

Women's Athletics: Coping with Controversy. Dorothy V. Harris, ed. 1974. Collection of short issue papers. Topics include equal rights law, the Olympic games, and "the masculine obsession in sports." American Alliance for Health, Physical Education, and Recreation Publications-Sales, 1201 Sixteenth St., NW, Washington, DC 20036. 120 pp. $3.75. Other useful publications available.

Biased Textbooks

Biased Textbooks: A Research Perspective by Lenore J. Weitzman and Diane Rizzo. Action Steps You Can Take. Resource Center on Sex Roles in Education. 1974. Documents sex bias in widely used elementary science, math, reading, spelling and social studies texts. Action suggestions. Resource Center on Sex Roles in Education, Room 701, 1201 Sixteenth St., NW, Washington, DC 20036. 14 pp. $1.00 prepaid.

Dick and Jane as Victims: Sex Stereotyping in Children's Readers. Women on Words and Images. Updated edition. 1975. Excellent analysis of readers from 14 major publishers conveys the pervasiveness and pain of sex bias. Women on Words and Images, P.O. Box 2163, Princeton, NJ 08540. 80 pp. $2.00. Other useful materials, too.

Guidelines for Equal Treatment of the Sexes in McGraw-Hill Book Company Publications. Covers rules for avoiding sex bias in great detail and offers many examples of biased language and unbiased alternatives. Focuses on harmful stereotyping of males as well as females. McGraw-Hill Book Co., 1221 Avenue of the Americas, New York, NY 10020. 11 pp. Free.

100 Children's Books About Puerto Ricans: A Study in Racism, Sexism & Colonialism. Special double issue of **Interracial Books for Children,** Vol. IV, Nos. 1 & 2, Spring 1972. Reports results of a study, from several perspectives, of children's books on Puerto Rican themes. Issues explored in depth. Racism & Sexism Resource Center for Educators, Council on Interracial Books for Children, 1841 Broadway, New York, NY 10023. 16 pp. $2.50. The Resource Center also offers **Fact Sheets on Institutional Sexism** ($1.00), **Stereotypes, Distortions and Omissions in U.S. History Textbooks** ($7.95), and more.

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